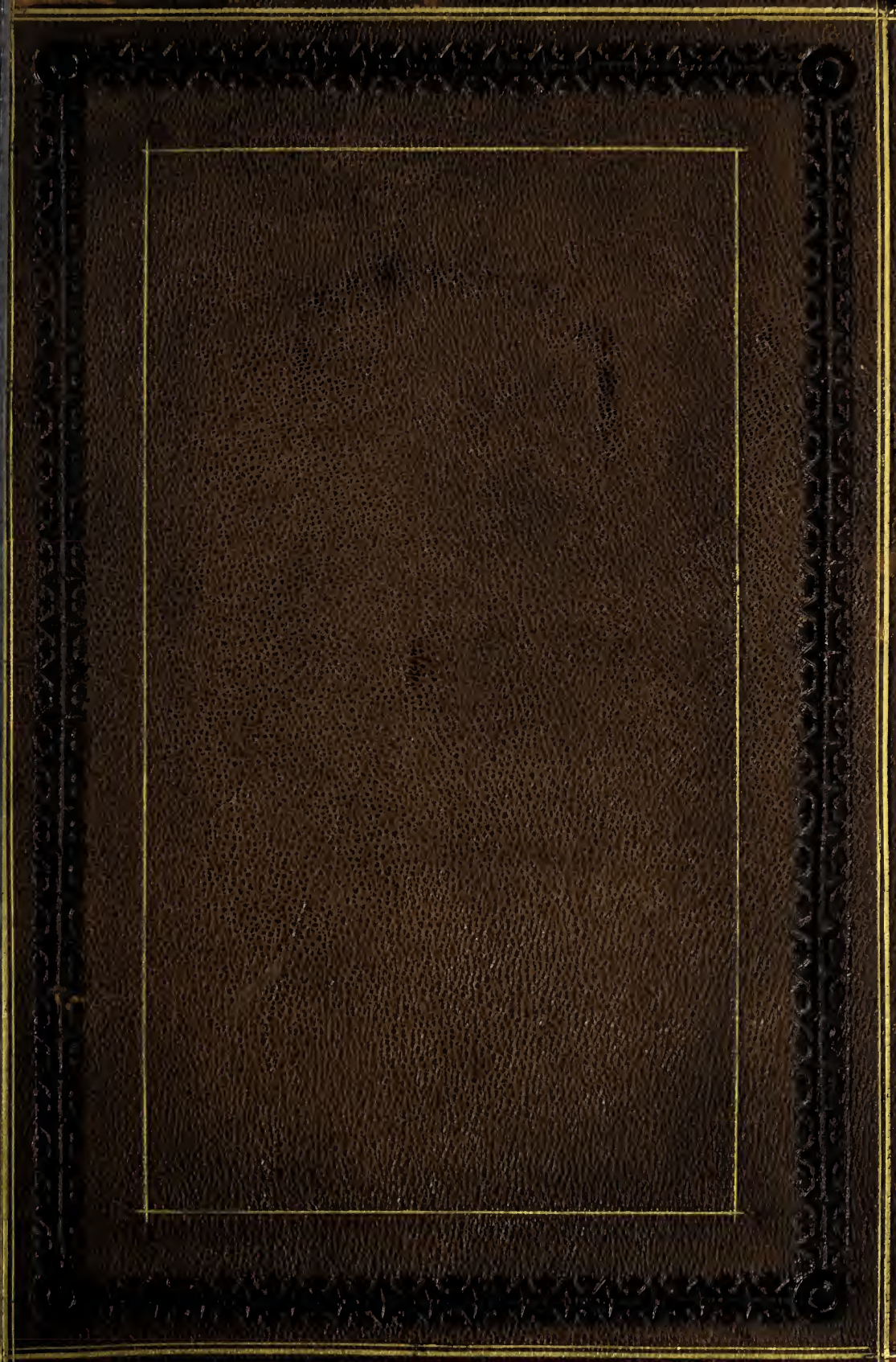






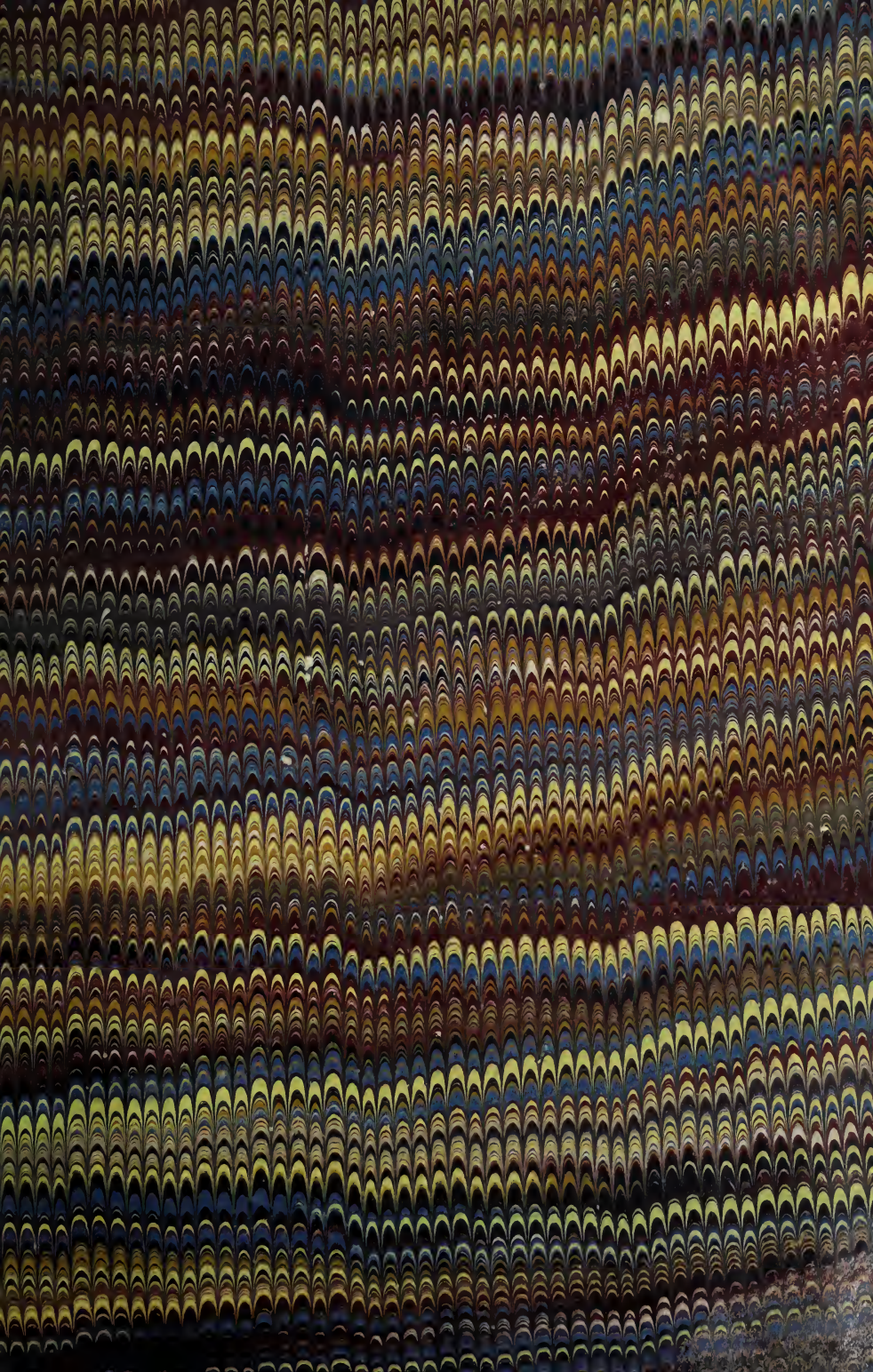
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DIGEST OF THE CHARTER  
AND THE  
REVISED ORDINANCES

OF THE  
CITY OF ST. LOUIS,

TOGETHER WITH

THE CONSTITUTION OF THE UNITED STATES AND THAT OF THE STATE  
OF MISSOURI, AND THE SEVERAL ACTS OF THE GENERAL  
ASSEMBLY RELATING TO THE CITY.

---

PUBLISHED BY AUTHORITY OF THE COMMON COUNCIL, UNDER  
THE SUPERVISION OF  
J. G. WOERNER.

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ST. LOUIS:  
M'KEE, FISHBACK & CO., CITY PRINTERS.  
1866.



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1866

## REPORT.

*To the Honorable the Common Council of the City of St. Louis:*

The undersigned takes pleasure in laying before your honorable body the Revision of City Ordinances, of a general and permanent nature, as in force at the beginning of your present session.

These ordinances were originally reported to and passed by your honorable board at its first session in the year 1864-5, but it was deemed inexpedient to print them before the adoption of the new Charter, then being prepared by the Convention elected for the purpose. In order to render the revision accessible for the use of the Council and city officers, until the official publication should be made, the reviser prepared an elaborate index to the revised ordinances, as contained in the printed slips from the newspapers bound for the Common Council, which volume has been used by you until the present time. But in the spring of 1865 the General Assembly adjourned without having adopted, or, indeed, acted upon, the bill submitted to them by the Charter Convention; whereupon the Common Council ordered the printing of the revised ordinances in book-form. Two stated sessions of the Council having intervened between the report of the revision and this order for its publication, and a further session being certain to be held before the manuscript could be prepared for the printer, it became indispensable to incorporate into the revision the changes and amendments effected during all of this time, so that the printed volume might contain the ordinances as in force at the beginning of the last (present) session of the Council before its publication. The work of revising and indexing was, therefore, necessarily done twice; which, together with some unavoidable delays in the mechanical execution of the work, will account for its late appearance.

Few changes were ventured upon in the classification of the ordinances. Such as may be found were made with the view of simplifying their arrangement and rendering the contents more perspicuous, and are suggested by the plan of the revision of 1861, by CHARLES H. TILLSON, Esq., which was generally followed in this work.

It is hoped that the side-notes appended to the ordinances, and a full alphabetical index referring to the article and section of each ordinance in which a given subject may be found, in lieu of the head-notes heretofore in use, will facilitate research.

The various charters and laws applicable to the city have been carefully digested, and will be found, arranged in the form of an act, in the body of the work, with an accurate reference to the original acts, also to be found in the volume.

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A tabular list of the city officers and committees of the Common Council for the current fiscal year, with the compensation and amount of bond fixed for each, is inserted, and may be of service.

The rates for the use of water being difficult to find in the body of the ordinance, an alphabetical table of water-rates is also annexed, for more convenient reference.

The list of Mayors, Aldermen, and Delegates of the City of St. Louis is brought down from its incorporation, in 1823, to the present time, and may be relied on as correct, being compiled from the original records of the City and Common Council.

By far the greatest amount of labor has been expended in the endeavor to prepare a thorough, full, and perspicuous index to the Ordinances, the Digest, and the New Constitution of Missouri. As it is impossible, in a work of this kind, to attain that perfection of system which determines for each particular subject its precise, logically-necessary place, where it may be found with unerring certainty, the alphabetical index becomes an indispensable necessity for the use of the work. If the indexes submitted should accomplish their object, in giving ready access to any subject-matter treated of in the body of the work, their apparent prolixity will be excused, and the labor of your reviser will not have been in vain.

The work is submitted with a confident reliance upon your generosity that you will pardon any defects or errors therein which may suggest themselves to you.

I have the honor to be,

Your obedient servant,

J. G. WOERNER, *Reviser*.

*January, 1866.*

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# CONSTITUTION

OF

## THE UNITED STATES.

---

WE, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution of the United States of America.

### ARTICLE I.

#### SECTION I.

1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

#### SECTION II.

1. The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

2. No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three; Massachusetts, eight; Rhode Island and Providence Plantations, one; Connecticut, five; New York, six; New Jersey, four; Pennsylvania, eight; Delaware, one; Maryland, six; Virginia, ten; North Carolina, five; and Georgia, three.

4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.



## SECTION III.

1. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years, and each Senator shall have one vote.

2. Immediately after they shall have assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

3. No person shall be a Senator who shall not have attained to the age of thirty years and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers, and also a President *pro tempore* in the absence of the Vice President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than to the removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment and punishment, according to law.

## SECTION IV.

1. The times, places and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may, at any time, by law, make or alter such regulation, except as to the places of choosing Senators.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

## SECTION V.

1. Each House shall be the judge of the elections, returns and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each House may provide.

2. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

## SECTION VI.

1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law and paid out of the Treasury of

the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate, in either House, they shall not be questioned in any other place.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person, holding any office under the United States, shall be a member of either House during his continuance in office.

## SECTION VII.

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States; if he approve, he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objection at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and, if approved by two-thirds of that House, it shall become a law. But in all such cases, the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered upon the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment), shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

## SECTION VIII.

The Congress shall have power—

1. To lay and collect taxes, duties, imposts and excises; to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

2. To borrow money on the credit of the United States;

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

6. To provide for the punishment of counterfeiting the securities and current coin of the United States;

7. To establish postoffices and post roads;

8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries;

9. To constitute tribunals inferior to the Supreme Court; To define and punish piracies and felonies committed on the seas, and offenses against the laws of nations;

10. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

11. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years:

12. To provide and maintain a navy:

13. To make rules for the government and regulation of the land and naval forces:

14. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions:

15. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress:

16. To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square,) as may, by cession of particular States, and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased, by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock yards, and other needful buildings: and

17. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

#### SECTION IX.

1. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

3. No bill of attainder or *ex post facto* law shall be passed.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or other enumeration hereinbefore directed to be taken.

5. No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

6. No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

7. No title of nobility shall be granted by the United States, and no person holding any office of profit or trust under them, shall, without the consent of Congress, accept of any present, office, or title of any kind whatever, from any king, prince or foreign state.

#### SECTION X.

1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts; or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States, and all such laws shall be subject to the revision and control of the Congress. No State shall, without the consent of Congress, lay any duty on tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

## ARTICLE II.

## SECTION I.

1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected as follows:

2. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

3. *The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each: which list they shall sign and certify and transmit sealed to the seat of government of the United States, directed to the President of the Senate. The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be President, if such number be a majority of the whole number of electors appointed: and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President: and if no person have a majority, then from the five highest on the list, the said House shall, in like manner, choose the President. But in choosing the President, the vote shall be taken by States, the Representation from each State having one vote: a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them, by ballot, the Vice President.*

4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes: which day shall be the same throughout the United States.

5. No person, except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President: neither shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may, by law, provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall then act accordingly, until the disability be removed, or a President shall be elected.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased or diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enters upon the execution of his office, he shall take the following oath or affirmation:

9. "I DO SOLEMNLY SWEAR (OF AFFIRM) THAT I WILL FAITHFULLY EXECUTE THE OFFICE OF PRESIDENT OF THE UNITED STATES, AND WILL, TO THE BEST OF MY ABILITY, PRESERVE, PROTECT, AND DEFEND THE CONSTITUTION OF THE UNITED STATES."

## SECTION II.

1. The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments,



upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, appoint ambassadors, other public ministers and consuls, Judges of the Supreme Court, and other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may, by law, vest the appointment of such inferior officers as they may think proper in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

#### SECTION III.

1. He shall, from time to time, give the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

#### SECTION IV.

1. The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

### ARTICLE III.

#### SECTION I.

1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

#### SECTION II.

1. The judicial power shall extend to all cases in law and equity, arising under the Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, or other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State, claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and to fact, with such exceptions and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crime shall have been committed; but when not committed within any State, the trial shall be at such places as the Congress may, by law, have directed.

## SECTION III.

1. Treason against the United States shall consist only in levying war against them or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

## ARTICLE IV.

## SECTION I.

1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

## SECTION II.

1. The citizens of each State shall be entitled to all privileges and immunities of citizens of the several States.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up, on claim of the party to whom such service or labor may be due.

## SECTION III.

1. New States may be admitted by Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory, or other property, belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

## SECTION IV.

1. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasions; and on application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic violence.

## ARTICLE V.

1. The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid, to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided*, That no amendment which may be made prior to the year one thousand eight hundred and eight shall, in any manner, affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

## ARTICLE VI.

1. All debts contracted, and engagements entered into, before the adoption of the Constitution, shall be as valid against the United States, under this Constitution, as under the confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

3. The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound, by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

## ARTICLE VII.

1. The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in Convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON,

*President, and Deputy from Virginia.*

## NEW HAMPSHIRE.

JOHN LANGDON,  
NICHOLAS GILMAN.

## MASSACHUSETTS.

NATHANIEL GORMAN,  
RUFUS KING.

## NEW JERSEY.

WILLIAM LIVINGSTON,  
DAVID BREARLY,  
WILLIAM PATTERSON,  
JONATHAN DAYTON,

## PENNSYLVANIA.

BENJAMIN FRANKLIN,  
THOMAS MIFFLIN,  
ROBERT MORRIS,  
GEORGE CLYMER,  
THOMAS FITZSIMMONS,  
JARED INGERSOL,  
JAMES WILSON,  
GOVERNEUR MORRIS.

## DELAWARE.

GEORGE REED,  
GUNNING BEDFORD, Jr.,  
JOHN DICKINSON,  
RICHARD BASSET,  
JACOB BROOM.

## CONNECTICUT.

WILLIAM SAMUEL JOHNSON,  
ROGER SHERMAN.

## NEW YORK.

ALEXANDER HAMILTON.

## MARYLAND.

JAMES MCHENRY,  
DANIEL of St. Tho. Jenifer,  
DANIEL CARROLL.

## VIRGINIA.

JOHN BLAIR,  
JAMES MADISON, Jr.

## NORTH CAROLINA.

WILLIAM BLOUNT,  
RICHARD DOBBS SPAIGHT,  
HUGH WILLIAMSON.

## SOUTH CAROLINA.

JOHN RUTLEDGE,  
CHAS. COTESWORTH PINKNEY,  
CHARLES PINKNEY,  
PIERCE BUTLER.

## GEORGIA.

WILLIAM FEW,  
ABRAHAM BALDWIN.

## IN CONVENTION.

MONDAY, *September 17th, 1787.*

Present: The States of New Hampshire, Massachusetts, Connecticut, Mr. Hamilton from New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

1. *Resolved*, That the preceding Constitution be laid before the United States in Congress assembled, and that it is the opinion of this Convention that it should afterwards be submitted to a convention of delegates chosen in each State by the people thereof, under the recommendation of its Legislature, for their assent and ratification, and that each convention assenting to, and ratifying the same, should give notice thereof to the United States in Congress assembled.

2. *Resolved*, That it is the opinion of this Convention, that as soon as the conventions of nine States shall have ratified this Constitution, the United States in Congress assembled, should fix a day on which electors should be appointed by the States which shall have ratified the same, and a day on which the electors should assemble to vote for the President, and the time and place for commencing proceedings under this Constitution. That after such publication, the electors should be appointed, and the Senators and Representatives elected. That the electors should meet on the day fixed for the election of the President, and should transmit their votes, certified, signed, sealed and directed, as the Constitution requires, to the Secretary of the United States in Congress assembled; that the Senators and Representatives should convene at the time and place assigned; that the Senators should appoint a President of the Senate for the sole purpose of receiving, opening and counting the votes for President; and that after he shall be chosen, the Congress, together with the President, should, without delay, proceed to execute this Constitution.

By the unanimous order of the Convention:

GEORGE WASHINGTON, *President.*

WILLIAM JACKSON, *Secretary.*

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[The conventions of a number of the States having, at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added, Congress, at the session begun and held at the city of New York, on Wednesday, the 4th of March, 1789, proposed to the Legislatures of the several States twelve amendments, ten of which only were adopted. They are the ten first following.]

## AMENDMENTS TO THE CONSTITUTION.

## ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and petition the government for a redress of grievances.

## ARTICLE II.

A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

## ARTICLE III.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.



## ARTICLE IV.

The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

## ARTICLE V.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall he be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use without just compensation.

## ARTICLE VI.

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

## ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined, in any court of the United States, than according to the rules of the common law.

## ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

## ARTICLE IX.

The enumeration, in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

## ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to these States, are reserved to the States respectively, or to the people.

## ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

## ARTICLE XII.

1. The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the per-

son voted for as Vice President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit, sealed, to the seat of Government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such a majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President the vote shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President.

2. The person having the greatest number of votes as Vice President shall be Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

#### ARTICLE XIII.

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office or emolument, of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

[NOTE.—The 11th article of the amendments to the Constitution was proposed at the second session of the third Congress; the 12th article at the first session of the eighth Congress; and the 13th article at the second session of the eleventh Congress.]

# CONSTITUTION

OF

## THE STATE OF MISSOURI.

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WE, the People of the State of Missouri, grateful to Almighty God, the Sovereign Ruler of Nations, for our State Government, our liberties, and our connection with the American Union, and acknowledging our dependence upon Him for the continuance of those blessings to us and our posterity, do, for the more certain security thereof, and for the better government of this State, ordain and establish this Revised and Amended Constitution:

### ARTICLE I.

#### DECLARATION OF RIGHTS.

That the general, great, and essential principles of liberty and free government may be recognized and established, and that the relations of this State to the Union and Government of the United States, and those of the people of this State to the rest of the American people, may be defined and affirmed, we do declare—

1. That we hold it to be self-evident, that all men are endowed by their Creator with certain inalienable rights, among which are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness:

2. That there can not be in this State either slavery or involuntary servitude, except in punishment of crime, whereof the party shall have been duly convicted:

3. That no person can, on account of color, be disqualified as a witness; or be disabled to contract, otherwise than as others are disabled; or be prevented from acquiring, holding, and transmitting property; or be liable to any other punishment for any offense, than that imposed upon others for a like offense; or be restricted in the exercise of religious worship; or be hindered in acquiring education; or be subjected, in law, to any other restraints or disqualifications, in regard to any personal rights, than such as are laid upon others under like circumstances:

4. That all political power is vested in and derived from the people; that all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole:

5. That the people of this State have the inherent, sole, and exclusive right of regulating the internal government and police thereof, and of altering and abolishing their Constitution and form of government, whenever it may be necessary to their safety and happiness; but every such right should be exercised in pursuance of law, and consistently with the Constitution of the United States:

6. That this State shall ever remain a member of the American Union; that the people thereof are a part of the American Nation; and that all attempts, from whatever source or upon whatever pretext, to dissolve said Union, or to sever said Nation, ought to be resisted with the whole power of the State.

7. That every citizen of this State owes paramount allegiance to the Constitution and Government of the United States, and that no law or ordinance of this State in contravention or subversion thereof can have any binding force:

8. That the people have the right peaceably to assemble for their common good, and to apply to those vested with the powers of government for redress of grievances, by petition or remonstrance; and that their right to bear arms in defense of themselves, and of the lawful authority of the State, can not be questioned:

9. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no person can, on account of his religious opinions, be rendered ineligible to any office of trust or profit under this State, nor be disqualified from testifying, or from serving as a juror; that no human authority can control or interfere with the rights of conscience; and that no person ought, by any law, to be molested in his person or estate on account of his religious persuasion or profession; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, nor to justify practices inconsistent with the good order, peace, or safety of the State, or with the rights of others:

10. That no person can be compelled to erect, support, or attend any place of worship, or to maintain any minister of the Gospel or teacher of religion; but whatever contracts any person may enter into for any such object ought, in law, to be binding and capable of enforcement, as other contracts:

11. That no preference can ever be given, by law, to any church, sect, or mode of worship:

12. That no religious corporation can be established in this State; except that by a general law, uniform throughout the State, any church, or religious society or congregation may become a body corporate, for the sole purpose of acquiring, holding, using, and disposing of so much land as may be required for a house of public worship, a chapel, a parsonage, and a burial ground, and managing the same, and contracting in relation to such land, and the buildings thereon, through a board of trustees, selected by themselves; but the quantity of land to be held by any such body corporate, in connection with a house of worship or a parsonage, shall not exceed five acres in the country, nor one acre in a town or city:

13. That every gift, sale, or devise of land to any minister, public teacher, or preacher of the gospel, as such, or to any religious sect, order, or denomination; or to or for the support, use, or benefit of, or in trust for, any minister, public teacher, or preacher of the gospel, as such, or any religious sect, order, or denomination; and every gift or sale of goods or chattels to go in succession, or to take place after the death of the seller or donor, or to or for such support, use, or benefit; and also every devise of goods or chattels, to or for the support, use, or benefit of any minister, public teacher, or preacher of the gospel, as such, or any religious sect, order, or denomination, shall be void; except always any gift, sale, or devise of land to a church, religious society, or congregation, or to any person or persons in trust for the use of a church, religious society, or congregation, whether incorporated or not, for the use and purposes and within the limitations of the next preceding clause of this Article:

14. That all elections ought to be free and open:

15. That courts of justice ought to be open to every person, and certain remedy afforded for every injury to person, or property, or character; and that right and justice ought to be administered without sale, denial, or delay:

16. That no private property ought to be taken or applied to public use without just compensation:

17. That the right of trial by jury shall remain inviolate:

18. That in all criminal prosecutions the accused has the right to be heard by himself and his counsel; to demand the nature and cause of accusation; to have compulsory process for witnesses in his favor; to meet the witnesses against him face to face; and, in prosecutions on presentment or indictment, to a speedy trial by an impartial jury of the



vicinage; that the accused can not be compelled to give evidence against himself, nor be deprived of life, liberty, or property, but by the judgment of his peers or the law of the land:

19. That no person, after having been once acquitted by a jury, can, for the same offense, be again put in jeopardy of life or liberty; but if, in any criminal prosecution, the jury be divided in opinion, the court before which the trial shall be had may, in its discretion, discharge the jury, and commit or bail the accused for trial at the next term of said court:

20. That all persons shall be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great:

21. That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted:

22. That the privilege of the writ of *habeas corpus* can not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it:

23. That the people ought to be secure in their persons, papers, houses, and effects, from unreasonable searches and seizures; and no warrant to search any place, or seize any person or thing, can issue, without describing the place to be searched, or the person or thing to be seized, as nearly as may be; nor without probable cause, supported by oath or affirmation:

24. That no person can, for an indictable offense, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia when in actual service in the time of war or public danger, or, by leave of court, for oppression or misdemeanor in office:

25. That treason against the State can consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort:

26. That no person can be attainted of treason or felony by the General Assembly; that no conviction can work corruption of blood; that there can be no forfeiture of estate for any crime except treason; and that the estates of such persons as may destroy their own lives shall descend or vest as in cases of natural death:

27. That the free communication of thoughts and opinions is one of the invaluable rights of man, and that every person may freely speak, write, and print on any subject, being responsible for the abuse of that liberty; that in all prosecutions for libel the truth thereof may be given in evidence, and the jury may determine the law and the facts, under the direction of the court:

28. That no *ex-post-facto* law, nor law impairing the obligation of contracts, or retrospective in its operation, can be passed:

29. That imprisonment for debt can not exist in this State, except for fines or penalties imposed for violation of law:

30. That all property subject to taxation ought to be taxed in proportion to its value:

31. That no title of nobility, or hereditary emolument, privilege, or distinction, can be granted:

32. That the military is, and in all cases and at all times ought to be, in strict subordination to the civil power; that no soldier can, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in such manner as may be prescribed by law; nor can any appropriation for the support of an army be made for a longer period than two years.

## ARTICLE II.

### RIGHT OF SUFFRAGE.

SECTION 1. All elections by the people shall be by ballot. No election shall continue longer than one day, except as provided in the twenty-first section of this article.

SEC. 2. General elections shall be held biennially, on the Tuesday next after the first Monday in November. The first general election under this Constitution shall be held on that day, in the year one thousand eight hundred and sixty-six. Should Congress direct the appointment of

Electors of President and Vice-President of the United States on any other day than that now established, the General Assembly may change the time of holding general elections, so as to provide for holding them on the day which may be designated by Congress for that purpose, and on the corresponding day two years thereafter. No special election, State, county or municipal, shall be appointed to be held on a Monday.

SEC. 3. At any election held by the people under this Constitution, or in pursuance of any law of this State, or under any ordinance or by-law of any municipal corporation, no person shall be deemed a qualified voter who has ever been in armed hostility to the United States, or to the lawful authorities thereof, or to the Government of this State; or has ever given aid, comfort, countenance or support to persons engaged in any such hostility; or has ever, in any manner, adhered to the enemies, foreign or domestic, of the United States, either by contributing to them, or by unlawfully sending within their lines money, goods, letters or information; or has ever disloyally held communication with such enemies; or has ever advised or aided any person to enter the service of such enemies; or has ever, by act or word, manifested his adherence to the cause of such enemies, or his desire for their triumph over the arms of the United States, or his sympathy with those engaged in exciting or carrying on rebellion against the United States; or has ever, except under overpowering compulsion, submitted to the authority, or been in the service of the so-called "Confederate States of America;" or has ever left this State, and gone within the lines of the armies of the so-called "Confederate States of America," with the purpose of adhering to said States or armies; or has ever been a member of, or connected with, any order, society, or organization, inimical to the Government of the United States, or to the Government of this State; or has ever been engaged in guerrilla warfare against loyal inhabitants of the United States, or in that description of marauding commonly known as "bushwhacking;" or has ever knowingly and willingly harbored, aided, or countenanced any person so engaged; or has ever come into or left this State, for the purpose of avoiding enrollment for or draft into the military service of the United States; or has ever, with a view to avoid enrollment in the militia of this State, or to escape the performance of duty therein, or for any other purpose, enrolled himself, or authorized himself to be enrolled, by or before any officer, as disloyal, or as a Southern sympathiser, or in any other terms indicating his disaffection to the Government of the United States in its contest with rebellion, or his sympathy with those engaged in such rebellion; or, having ever voted at any election by the people in this State, or in any other of the United States, or in any of their Territories, or held office in this State, or in any other of the United States, or in any of their Territories, or under the United States, shall thereafter have sought or received, under claim of alienage, the protection of any foreign government, through any consul or other officer thereof, in order to secure exemption from military duty in the militia of this State, or in the army of the United States; nor shall any such person be capable of holding in this State any office of honor, trust, or profit under its authority; or of being an officer, councilman, director, trustee, or other manager of any corporation, public or private, now existing or hereafter established by its authority; or of acting as a professor or teacher in any educational institution, or in any common or other school; or of holding any real estate or other property in trust for the use of any church, religious society or congregation. But the foregoing provisions in relation to acts done against the United States shall not apply to any person not a citizen thereof, who shall have committed such acts while in the service of some foreign country at war with the United States, and who has, since such acts, been naturalized, or may hereafter be naturalized, under the laws of the United States; and the oath of loyalty hereinafter prescribed, when taken by any such person, shall be considered as taken in such sense.

SEC. 4. The General Assembly shall immediately provide by law for a complete and uniform registration, by election districts, of the names of qualified voters in this State; which registration shall be evidence of the

qualification of all registered voters to vote at any election thereafter held; but no person shall be excluded from voting at any election, on account of not being registered, until the General Assembly shall have passed an act of registration, and the same shall have been carried into effect; after which, no person shall vote, unless his name shall have been registered at least ten days before the day of the election; and the fact of such registration shall be no otherwise shown than by the register, or an authentic copy thereof, certified to the judges of election by the registering officer or officers, or other constituted authority. A new registration shall be made within sixty days next preceding the tenth day prior to every biennial general election, and after it shall have been made, no person shall establish his right to vote, by the fact of his name appearing on any previous register.

SEC. 5. Until such a system of registration shall have been established, every person shall, at the time of offering to vote, and before his vote shall be received, take an oath in the terms prescribed in the next succeeding section. After such a system shall have been established, the said oath shall be taken and subscribed by the voter at each time of his registration. Any person declining to take said oath shall not be allowed to vote, or to be registered as a qualified voter. The taking thereof shall be deemed conclusive evidence of the right of the person to vote, or to be registered as a voter; but such right may, notwithstanding, be disapproved. And after a system of registration shall have been established, all evidence for and against the right of any person as a qualified voter, shall be heard and passed upon by the registering officer or officers, and not by the judges of election. The registering officer or officers shall keep a register of the names of persons rejected as voters, and the same shall be certified to the judges of election; and they shall receive the ballot of any such rejected voter offering to vote, marking the same, and certifying the vote thereby given, as rejected; but no such vote shall be received unless the party offering it take, at the time, the oath of loyalty hereinafter prescribed.

SEC. 6. The oath to be taken as aforesaid shall be known as the Oath of Loyalty, and shall be in the following terms:

"I, A. B., do solemnly swear that I am well acquainted with the terms of the third section of the second Article of the Constitution of the State of Missouri, adopted in the year eighteen hundred and sixty-five, and have carefully considered the same; that I have never, directly or indirectly, done any of the acts in said section specified; that I have always been truly and loyally on the side of the United States against all enemies thereof, foreign and domestic; that I will bear true faith and allegiance to the United States, and will support the Constitution and laws thereof, as the supreme law of the land, any law or ordinance of any State to the contrary notwithstanding; that I will, to the best of my ability, protect and defend the Union of the United States, and not allow the same to be broken up and dissolved, or the Government thereof to be destroyed or overthrown, under any circumstances, if in my power to prevent it; that I will support the Constitution of the State of Missouri; and that I make this oath without any mental reservation or evasion, and hold it to be binding on me."

SEC. 7. Within sixty days after this Constitution takes effect, every person in this State holding any office of honor, trust or profit under the Constitution or laws thereof, or under any municipal corporation, or any of the other offices, positions, or trusts mentioned in the third section of this Article, shall take and subscribe the said oath. If any officer or person referred to in this section shall fail to comply with the requirements thereof, his office, position, or trust shall, *ipso facto*, become vacant, and the vacancy shall be filled according to the law governing the case.

SEC. 8. No vote in any election by the people shall be cast up for, nor shall any certificate of election be granted to, any person who shall not, within fifteen days next preceding such election, have taken, subscribed and filed said oath.

SEC. 9. No person shall assume the duties of any State, county, city, town, or other office, to which he may be appointed, otherwise than by a



vote of the people; nor shall any person, after the expiration of sixty days after this Constitution takes effect, be permitted to practice as an attorney or counsellor at law; nor, after that time, shall any person be competent as a bishop, priest, deacon, minister, elder, or other clergyman of any religious persuasion, sect, or denomination, to teach, or preach, or solemnize marriages, unless such person shall have first taken, subscribed, and filed said oath.

SEC. 10. Oaths taken in pursuance of the seventh, eighth and ninth sections of this Article, shall be filed as follows: By a State civil officer, or a candidate for a State civil office, and by members and officers of the present General Assembly, in the office of the Secretary of State; by a military officer, in the office of the Adjutant General; by a candidate for either house of the General Assembly, in the clerk's office of the County Court of the county of his residence, or in that county where the vote of the district is required by law to be cast up, and the certificate of election granted; by a city or town officer, in the office where the archives of such city or town are kept; and in all other cases, in the office of the Clerk of the County Court of the county of the person's residence.

SEC. 11. Every court in which any person shall be summoned to serve as a grand or petit juror, shall require him, before he is sworn as a juror, to take said oath in open court, and no person refusing to take the same shall serve as a juror.

SEC. 12. If any person shall declare that he has conscientious scruples against taking an oath, or swearing in any form, the said oath may be changed into a solemn affirmation, and be made by him in that form.

SEC. 13. In addition to the oath of loyalty aforesaid, every person who may be elected or appointed to any office, shall, before entering upon its duties, take and subscribe an oath or affirmation that he will, to the best of his skill and ability, diligently and faithfully, without partiality or prejudice, discharge the duties of such office according to the Constitution and laws of this State.

SEC. 14. Whoever shall, after the times limited in the seventh and ninth sections of this Article, hold or exercise any of the offices, positions, trusts, professions, or functions therein specified, without having taken, subscribed, and filed said oath of loyalty, shall, on conviction thereof, be punished by fine, not less than five hundred dollars, or by imprisonment in the county jail not less than six months, or by both such fine and imprisonment; and whoever shall take said oath falsely, by swearing or by affirmation, shall, on conviction thereof, be adjudged guilty of perjury, and be punished by imprisonment in the penitentiary not less than two years.

SEC. 15. Whoever shall be convicted of having, directly or indirectly, given or offered any bribe, to procure his election or appointment to any office, shall be disqualified for any office of honor, trust or profit under this State; and whoever shall give or offer any bribe to procure the election or appointment of any other person to any office, shall, on conviction thereof, be disqualified for a voter, or any office of honor, trust, or profit under this State, for ten years after such conviction.

SEC. 16. No officer, soldier, or marine in the regular army or navy of the United States, shall be entitled to vote at any election in this State.

SEC. 17. No person who shall make, or become, directly or indirectly, interested in, any bet or wager depending upon the result of any election, shall vote at such election.

SEC. 18. Every white male citizen of the United States, and every white male person of foreign birth who may have declared his intention to become a citizen of the United States, according to law, not less than one year nor more than five years before he offers to vote, who is over the age of twenty-one years, who is not disqualified by or under any of the provisions of this Constitution, and who shall have complied with its requirements, and have resided in this State one year next preceding any election, or next preceding his registration as a voter, and during the last sixty days of that period shall have resided in the county, city, or town where he offers to vote, or seeks registration as a voter, shall be entitled to vote at such election, for all officers, State, county, or municipal, made elective



by the people; but he shall not vote elsewhere than in the election district of which he is at that time a resident, or, after a system of registration of votes shall have been established, in the election district where his name is registered, except as provided in the twenty-first section of this Article.

SEC. 19. After the first day of January, one thousand eight hundred and seventy-six, every person who was not a qualified voter prior to that time, shall, in addition to the other qualifications required, be able to read and write, in order to become a qualified voter; unless his inability to read or write shall be the result of physical disability.

SEC. 20. For the purpose of voting, no person shall be deemed to have gained or lost a residence, by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student in any seminary of learning; nor while kept at any poor-house, or other asylum, at public expense; nor while confined in any public prison.

SEC. 21. Any qualified voter under the eighteenth section of this Article, who may be absent from the place of his residence, by reason of being in the volunteer army of the United States, or in the militia force of this State, in the service thereof, or of the United States, whether within or without the State, shall, without registration, be entitled to vote in any election occurring during such absence. The votes of all such persons, wherever they may be, may be taken on the day fixed by law for such election, or on any day or days within twenty days next prior thereto; and the General Assembly shall provide by law for the taking, return, and counting of such votes. Every such person shall take the same oath that all other voters may be required to take, in order to vote.

SEC. 22. Voters shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their continuance at elections, and in going to and returning from the same.

SEC. 23. Any person who may at any time have done any act, which, under the third section of this Article, has disqualified or may disqualify him, as therein expressed, and who shall, after the commission of such act, have voluntarily entered the military service of the United States, and have been honorably discharged therefrom, and after such discharge have demeaned himself in all respects as a loyal and faithful citizen, may be relieved from such disqualification. In order thereto, he shall, in person, present his petition to the Circuit Court of the county of his residence, stating specifically the act or acts which produced such disqualification, and the ground upon which he prays to be relieved therefrom; and the court shall set a day for hearing the cause, not less than five days after the presentation of the petition; when, if it appear by a competent proof that the petitioner is justly entitled to the relief prayed for, the court shall make a decree removing such disqualification. But any act done by such person after the date of such decree, which would impose a disqualification under said third section of this Article, shall make such decree null and void, and remit him to his previous condition of disqualification; and no such decree shall be granted a second time in his favor.

SEC. 24. After any person shall have been so relieved by the decree of a Circuit Court, he shall, in order to vote, or hold any of the offices, positions, or trusts, or exercise any of the privileges or functions herein before specified, take the oath of loyalty aforesaid, except the part thereof which refers to the third section of this Article and to the past acts or loyalty of the person taking the oath.

SEC. 25. After the first day of January, one thousand eight hundred and seventy-one, and until the date hereinafter named, the General Assembly shall have power, if a majority of all the members elected to both houses concur therein, to suspend or repeal any part of the third, fifth, and sixth sections of this Article, so far as the same relate to the qualifications of voters, but no farther. After the first day of January, one thousand eight hundred and seventy-five, the General Assembly may wholly suspend or repeal the third, fourth, fifth, sixth, eighth, ninth,

tenth, eleventh, and twelfth sections of this Article, or any part thereof, if a like majority of both houses concur therein. But no such suspension or repeal shall have the effect of dispensing with the taking, by every person elected or appointed to any office in this State, of so much of the oath of loyalty aforesaid as follows the word "domestic." On the passage of any bill, suspending or repealing any of said sections, or any part thereof, the votes of both houses shall be taken by yeas and nays, and entered on the journals of the houses, respectively. The General Assembly shall also have power, at any time, to remove any such suspension or repeal, and reinstate the provisions suspended or repealed, in full force and effect as a part of this Constitution. Every suspension or repeal made in pursuance of this section, shall be general in its terms, and not in any case in favor of any named person; but the General Assembly may except from the benefit of such suspension or repeal any person, or class of persons, it may see fit.

SEC. 26. The General Assembly shall provide for the exclusion from every office of honor, trust, or profit within this State, and from the right of suffrage, of any person convicted of bribery, perjury, or other infamous crime.

### ARTICLE III.

#### DISTRIBUTION OF POWERS.

The powers of government shall be divided into three distinct departments, each of which shall be confided to a separate magistracy; and no person charged with the exercise of powers properly belonging to one of those departments, shall exercise any power properly belonging to either of the others, except in instances hereinafter expressly directed or permitted.

### ARTICLE IV.

#### LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives.

SEC. 2. The House of Representatives shall consist of members to be chosen, every second year, by the qualified voters of the several counties, and apportioned in the following manner:

The ratio of representation shall be ascertained at each apportioning session of the General Assembly, by dividing the whole number of permanent inhabitants of the State by the number two hundred. Each county having one ratio, or less, shall be entitled to one Representative; each county having three times said ratio shall be entitled to two Representatives; each county having six times said ratio shall be entitled to three Representatives; and so on above that number, giving one additional member for every three additional ratios. When any county shall be entitled to more than one Representative, the County Court shall cause said county to be subdivided into as many compact and convenient districts as such county may be entitled to Representatives; which districts shall be, as near as may be, of equal population; and the qualified voters of each of such districts shall elect one Representative, who shall be a resident of such district.

SEC. 3. No person shall be a member of the House of Representatives, who shall not have attained the age of twenty-four years; who shall not be a white male citizen of the United States; who shall not have been a qualified voter of this State two years, and an inhabitant of the county which he may be chosen to represent one year next before the day of his election, if such county shall have been so long established; but if not, then of the county from which the same shall have been taken; and who shall not have paid a State and county tax.

SEC. 4. The Senate shall consist of thirty-four members, to be chosen by the qualified voters for four years; for the election of whom the State shall be divided into convenient districts.

SEC. 5. No person shall be a Senator, who shall not have attained the age of thirty years; who shall not be a white male citizen of the United States; who shall not have been a qualified voter of this State three years, and an inhabitant of the district which he may be chosen to represent one year next before the day of his election, if such district shall have been so long established; but if not, then of the district or districts from which the same shall have been taken; and who shall not have paid a State and county tax. When any county shall be entitled to more than one Senator, the County Court shall cause such county to be subdivided into as many compact and convenient districts as such county may be entitled to Senators; which districts shall be, as near as may be, of equal population; and the qualified voters of each of such districts shall elect one Senator, who shall be a resident of such district.

SEC. 6. Senators shall be apportioned among their respective districts, as nearly as may be, according to the number of permanent inhabitants in each.

SEC. 7. Senators and Representatives shall be chosen according to the rule of apportionment established in this Constitution, until the next decennial census taken by the United States shall have been made, and the result thereof as to this State ascertained, when the apportionment shall be revised and adjusted on the basis of that census. In the year one thousand eight hundred and seventy-six, and every tenth year thereafter, there shall be taken, under the authority of this State, a census of the inhabitants thereof; and after every such census the apportionment of Senators and Representatives may be based thereon until the next succeeding National census, after which it may be based upon the National census, until the next succeeding decennial State census, and so on, from time to time, the enumerations made by this State shall be used, as they respectively occur, as the basis of apportionment.

SEC. 8. Senatorial and Representative districts may be altered from time to time, as public convenience may require. When any Senatorial district shall be composed of two or more counties they shall be contiguous.

SEC. 9. The first election of Senators and Representatives under this Constitution shall be held at the general election in the year one thousand eight hundred and sixty-six, when the whole number of Senators and Representatives shall be chosen.

SEC. 10. At the regular session of the General Assembly chosen at said election, the Senators shall be divided into two equal classes. Those elected from districts bearing odd numbers shall compose the first class, and those elected from districts bearing even numbers shall compose the second class. The seats of the first class shall be vacated at the end of the second year after the day of said election, and those of the second class at the end of the fourth year after that day; so that one-half of the Senators shall be chosen every second year. In districting any county for the election of Senators, the districts shall be numbered, so as to effectuate the division of Senators into classes, as required in this section.

SEC. 11. No member of Congress, or person holding any lucrative office under the United States or this State, (militia officers, justices of the peace, and notaries public excepted,) shall be eligible to either house of the General Assembly, or shall remain a member thereof, after having accepted any such office, or a seat in either house of Congress.

SEC. 12. No person who now is, or may hereafter be a collector or holder of public money, or assistant or deputy of such collector or holder of public money, shall be eligible to either house of the General Assembly, until he shall have accounted for and paid all sums for which he may be accountable.

SEC. 13. If any Senator or Representative remove his residence from the district or county for which he was elected, his office shall thereby be vacated.

SEC. 14. The Governor shall issue writs of election to fill such vacancies as may occur in either house of the General Assembly.

SEC. 15. No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any civil office under the State,



which shall have been created, or the emoluments of which shall have been increased, during his continuance in office as a Senator or Representative, except to such offices as shall be filled by elections of the people.

Sec. 16. Senators and Representatives shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest, during the session of the General Assembly, and for fifteen days next before the commencement and after the termination of each session; and for any speech or debate in either house, they shall not be questioned in any other place.

Sec. 17. The members of the General Assembly shall severally receive from the public treasury such compensation for their services as may, from time to time, be provided by law; but no law increasing such compensation shall take effect in favor the members of the General Assembly by which the same shall have been passed.

Sec. 18. A majority of the whole number of members of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as each house may provide.

Sec. 19. Each house shall appoint its own officers; shall judge of the qualifications, elections, and returns of its own members; may determine the rules of its proceedings; may arrest and punish by fine, not exceeding three hundred dollars, or by imprisonment in a county jail not exceeding ten days, or both, any person not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence during its session; may punish its members for disorderly behavior; and, with the concurrence of two-thirds of all the members elected, may expel a member; but no member shall be expelled a second time for the same cause.

Sec. 20. Each house shall, from time to time, publish a journal of its proceedings, except such parts thereof as may, in its opinion, require secrecy; and the yeas and nays on any question shall be taken, and entered on the journal, at the desire of any two members. Whenever the yeas and nays are demanded, the whole list of members shall be called, and the names of absentees shall be noted, and published with the journal.

Sec. 21. The sessions of each house shall be held with open doors, except in cases which may require secrecy.

Sec. 22. Neither house shall, without the consent of the other, adjourn for more than two days at any one time, nor to any other place than that in which the two houses may be sitting.

Sec. 23. Bills may originate in either house, and may be altered, amended, or rejected by the other; and every bill shall be read on three different days in each house, unless two-thirds of the house, where the same is pending, shall dispense with this rule; and every bill, having passed both houses, shall be signed by the Speaker of the House of Representatives, and by the President of the Senate.

Sec. 24. No bill shall be passed unless by the assent of a majority of all the members elected to each branch of the General Assembly; and the question upon the final passage shall be taken immediately upon the last reading; and the yeas and nays shall be taken thereon and entered upon the journal.

Sec. 25. No act shall be revived or re-enacted by mere reference to the title thereof; nor shall any act be amended by providing that designated words thereof shall be struck out, or that designated words shall be struck out, and others inserted in lieu thereof; but in every such case the act revived or re-enacted, or the act or part of act amended, shall be set forth and published at length, as if it were an original act or provision.

Sec. 26. The style of the laws of this State shall be—*Be it enacted, by the General Assembly of the State of Missouri, as follows.*

Sec. 27. The General Assembly shall not pass special laws divorcing any named parties; or declaring any named person of age; or authorizing any named minor to sell, lease, or encumber his or her property; or providing for the sale of the real estate of any named minor or other



person, laboring under legal disability, by any executor, administrator, guardian, trustee, or other person; or changing the name of any person; or establishing, locating, altering the course, or affecting the construction of roads, or the building or repairing of bridges; or establishing, altering, or vacating of any street, avenue, or alley in any city or town; or extending the time for the assessment or collection of taxes, or otherwise relieving any assessor or collector of taxes from the due performance of his official duties; or giving effect to informal or invalid wills or deeds; or legalizing, except as against the State, the unauthorized or invalid acts of any officer; or granting to any individual or company the right to lay down railroad tracks in the streets of any city or town; or exempting any property of any named person or corporation from taxation. The General Assembly shall pass no special law for any case for which provision can be made by a general law; but shall pass general laws, providing, so far as it may deem necessary, for the cases enumerated in this section, and for all other cases where a general law can be made applicable.

SEC. 28. The General Assembly shall never authorize any lottery; nor shall the sale of lottery tickets be allowed; nor shall any lottery heretofore authorized be permitted to be drawn, or tickets therein to be sold.

SEC. 29. The General Assembly shall have no power to make compensation for emancipated slaves.

SEC. 30. The General Assembly shall have no power to remove the county seat of any county, unless two-thirds of the qualified voters of the county, at a general election, shall vote in favor of such removal. No compensation or indemnity for real estate, or the improvements thereon, affected by such removal, shall be allowed.

SEC. 31. The General Assembly shall have no power to establish any new county with a territory of less than five hundred square miles, or with a population less than the ratio of representation existing at the time; nor to reduce any county now established to less than that area, or to less population than such ratio.

SEC. 32. No law enacted by the General Assembly shall relate to more than one subject, and that shall be expressed in the title; but if any subject embraced in an act be not expressed in the title, such act shall be void only as to so much thereof as is not so expressed.

SEC. 33. The General Assembly shall direct, by law, in what manner, and in what courts, suits may be brought against the State.

SEC. 34. When any officer, civil or military, shall be appointed by the joint or concurrent vote of both houses, or by the separate vote of either house, the votes shall be publicly given *viva voce*, and entered on the journals.

SEC. 35. The General Assembly elected in the year one thousand eight hundred and sixty-six, shall meet on the first Wednesday of January, one thousand eight hundred and sixty-seven; and thereafter the General Assembly shall meet, in regular session, once in every two years; and such meeting shall be on the first Wednesday of January, unless a different day be fixed by law.

## ARTICLE V.

### EXECUTIVE DEPARTMENT.

SECTION 1. The supreme executive power shall be vested in a Chief Magistrate, who shall be styled "The Governor of the State of Missouri."

SEC. 2. The Governor shall be at least thirty-five years old, a white male citizen of the United States ten years, and a resident of this State seven years next before his election.

SEC. 3. The Governor elected at the general election in the year one thousand eight hundred and sixty-eight, and each Governor thereafter elected, shall hold his office two years, and until his successor be duly elected and qualified. At the time and place of voting for members of the House of Representatives, the qualified voters shall vote for a Governor; and when two or more persons have an equal number of votes, and a higher number than any other person, the election shall be decided

between them by a joint vote of both Houses of the General Assembly, at their next session.

SEC. 4. The Governor shall not be eligible to office more than four years in six.

SEC. 5. The Governor shall be commander-in-chief of the militia of this State, except when they shall be called into the service of the United States; but he need not command in person, unless advised to do so by a resolution of the General Assembly.

SEC. 6. The Governor shall have the power to grant reprieves, commutations and pardons, after conviction, for all offenses except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations, as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. He shall, at each session of the General Assembly, communicate to that body each case of reprieve, commutation, or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, the date of the commutation, pardon, or reprieve, and the reasons for granting the same. He shall take care that the laws be distributed and faithfully executed; and shall be a conservator of the peace throughout the State.

SEC. 7. The Governor shall, from time to time, give to the General Assembly information relative to the state of the Government, and shall recommend to their consideration such measures as he shall deem necessary and expedient. On extraordinary occasions he may convene the General Assembly by proclamation, wherein he will state specifically each matter concerning which the action of that body is deemed necessary; and the General Assembly shall have no power, when so convened, to act upon any matter not so stated in the proclamation.

SEC. 8. When any office shall become vacant, the Governor, unless otherwise provided by law, shall appoint a person to fill such vacancy, who shall continue in office until a successor shall be duly elected or appointed, and qualified according to law.

SEC. 9. Every bill which shall have been passed by both houses of the General Assembly, before it becomes a law, shall be presented to the Governor for his approbation. If he approve, he shall sign it; if not, he shall return it with his objections, to the house in which it shall have originated; and the house shall cause the objections to be entered at large on its journals, and shall proceed to reconsider the bill. After such reconsideration, if a majority of all the members elected to that house shall agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall, in like manner, be reconsidered; and if approved by a majority of all the members elected to that house, it shall become a law. In all such cases, the votes of both houses shall be taken by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journals of each house respectively. If any bill shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall become a law, in like manner as if the Governor had signed it, unless the General Assembly, by its adjournment, shall prevent its return; in which case it shall not become a law, unless the Governor, after such adjournment, and within ten days after the bill was presented to him, (Sundays excepted,) shall sign and deposit the same in the office of the Secretary of State, in which case it shall become a law, in like manner as if it had been signed by him during the session of the General Assembly.

SEC. 10. Every resolution to which the concurrence of the Senate and House of Representatives may be necessary, except on questions of adjournment, of going into joint session, and of amending this Constitution, shall be presented to the Governor; and, before the same shall take effect, shall be proceeded upon in the same manner as in the case of a bill.

SEC. 11. The Governor shall, at stated times, receive for his services an adequate salary, to be fixed by law; which shall neither be increased nor diminished during his continuance in office.

SEC. 12. There shall be a Lieutenant Governor, who shall be elected at the same time, in the same manner, for the same term, and shall possess the same qualifications, as the Governor.

SEC. 13. The Lieutenant Governor, by virtue of his office, shall be President of the Senate. In Committee of the Whole he may debate on all questions; and when there is an equal division, shall give the casting vote in the Senate, and also in joint vote of both Houses.

SEC. 14. When the office of Governor shall become vacant, by death, resignation, removal from the State, removal from office, refusal to qualify, or otherwise, the Lieutenant Governor shall perform the duties, possess the powers, and receive the compensation of the Governor, during the remainder of the term for which the Governor was elected. When the Governor is absent from the State, or is unable, from sickness, to perform his duties, or is under impeachment, the Lieutenant Governor shall perform said duties, possess said powers, and receive said compensation, until the Governor return to the State, be enabled to resume his duties, or be acquitted. If there be no Lieutenant Governor, or if he be absent from the State, disabled by sickness, or under impeachment, the President of the Senate *pro tempore*, or, in case of like absence or disability on his part, or of there being no President of the Senate *pro tempore*, the Speaker of the House of Representatives shall assume the office of Governor in the same manner, and with the same powers and compensation, as are prescribed in the case of the office devolving on the Lieutenant Governor.

SEC. 15. The Lieutenant Governor, or the President of the Senate *pro tempore*, while presiding in the Senate, shall receive the same compensation as shall be allowed to the Speaker of the House of Representatives.

SEC. 16. There shall be a Secretary of State, a State Auditor, a State Treasurer, and an Attorney General, who shall be elected by the qualified voters of the State, at the same time, in the same manner, and for the same term of office as the Governor. No person shall be eligible to either of said offices unless he be a white male citizen of the United States, and at least twenty-five years old, and shall have resided in this State five years next before his election. The Secretary of State, the State Auditor, the State Treasurer, and the Attorney General, shall keep their respective offices at the seat of Government, and shall perform such duties as may be required of them by law.

SEC. 17. The returns of all elections of Governor, Lieutenant Governor and other State officers, shall be made to the Secretary of State, in such manner as may be prescribed by law.

SEC. 18. Contested elections of Governor and Lieutenant Governor shall be decided by joint vote of both houses of the General Assembly, in such manner as may be prescribed by law.

SEC. 19. Contested elections of Secretary of State, State Auditor, State Treasurer, and Attorney General, shall be decided before such tribunal, and in such manner, as may be by law provided.

SEC. 20. The Secretary of State shall be the custodian of the seal of State, and shall authenticate therewith all official acts of the Governor, his approbation of laws excepted. The said seal shall be called the "Great Seal of the State of Missonri;" and the emblems and devices thereof heretofore prescribed by law shall not be subject to change.

SEC. 21. The Secretary of State shall keep a register of the official acts of the Governor, and, when necessary, shall attest them; and shall lay copies of the same, together with copies of all papers relating thereto, before either house of the General Assembly, whenever required to do so.

SEC. 22. There shall be elected by the qualified voters in each county, at the time and places of electing Representatives, a sheriff and a coroner. They shall serve for two years, and until a successor be duly elected and qualified, unless sooner removed for malfeasance in office; and shall be ineligible four years in any period of eight years. Before entering on the duties of their office, they shall give security in such amount and in such manner as shall be prescribed by law. Whenever a county shall be hereafter established, the Governor shall appoint a sheriff and a coroner therein, who shall continue in office until the next succeeding general election, and until a successor shall be duly elected and qualified.



SEC. 23. Whenever a vacancy shall happen in the office of sheriff or coroner, the same shall be filled by the County Court. If such vacancy happen in the office of sheriff, more than nine months prior to the time of holding a general election, such County Court shall immediately order a special election to fill the same; and the person by it appointed shall hold office until the person chosen at such election shall be duly qualified; otherwise, the person appointed by such County Court shall hold office until the person chosen at such general election shall be duly qualified. If a vacancy happen in the office of coroner, the same shall be filled, for the remainder of the term, by such County Court. No person elected or appointed to fill a vacancy in either of said offices shall thereby be rendered ineligible for the next succeeding term.

SEC. 24. In all elections for sheriff and coroner, when two or more persons have an equal number of votes, and a higher than any other person, the presiding judge of the County Court of the county shall give the casting vote; and all contested elections for the said offices shall be decided by the Circuit Court of the proper county, in such manner as the General Assembly may by law prescribe.

SEC. 25. The Governor shall commission all officers, not otherwise provided by law. All commissions shall run in the name and by the authority of the State of Missouri, be sealed with the State seal, signed by the Governor, and attested by the Secretary of State.

SEC. 26. The appointment of all officers, not otherwise directed by this Constitution, shall be made in such manner as may be prescribed by law.

## ARTICLE VI.

### JUDICIAL DEPARTMENT.

SECTION 1. The judicial power, as to matters of law and equity, shall be vested in a Supreme Court, in District Courts, in Circuit Courts, and in such inferior tribunals as the General Assembly may, from time to time, establish.

SEC. 2. The Supreme Court, except in cases otherwise directed by this Constitution, shall have appellate jurisdiction only, which shall be co-extensive with the State, under the restrictions and limitations in this Constitution provided.

SEC. 3. The Supreme Court shall have a general superintending control over all inferior courts of law. It shall have power to issue writs of *habeas corpus*, *mandamus*, *quo warranto*, *certiorari*, and other original remedial writs, and to hear and determine the same.

SEC. 4. The Supreme Court shall consist of three judges, any two of whom shall be a quorum; and the said judges shall be conservators of the peace throughout the State.

SEC. 5. The State shall be divided into convenient districts, not to exceed four, in each of which the Supreme Court shall be held, at such time and place as the General Assembly may appoint; and when sitting in either district, it shall exercise jurisdiction over causes originating in that district only; but the General Assembly may direct, by law, that the said court shall be held at one place only.

SEC. 6. The judges of the Supreme Court shall hold office for the term of six years, and until their successors shall be duly elected and qualified, except as hereinafter provided.

SEC. 7. At the general election in the year one thousand eight hundred and sixty-eight, all the judges of the Supreme Court shall be elected by the qualified voters of the State, and shall enter upon their office on the first Monday in January next ensuing. At the first session of the court thereafter, the judges shall, by lot, determine the duration of their several terms of office, which shall be respectively two, four, and six years; and shall certify the result to the Secretary of State. At the general election, every two years after said first election, one judge of said court shall be elected, to hold office for the period of six years from the first Monday of January next ensuing. The judge having at any time the shortest term to serve shall be the presiding judge of the court.



SEC. 8. If a vacancy shall happen in the office of any judge of the Supreme Court, by death, resignation, removal out of the State, or other disqualification, the Governor shall appoint a suitable person to fill the vacancy until the next general election occurring more than three months after the happening of such vacancy, when the same shall be filled by election by the qualified voters of the State, for the residue of the term.

SEC. 9. In case of a tie, or a contested election between the candidates, the same shall be determined in the manner prescribed by law.

SEC. 10. If in regard to any cause pending in the Supreme Court, the judges sitting shall be equally divided in opinion, no judgment shall be entered therein, based on such division; but the parties to the cause may agree upon some person, learned in the law, who shall act as special judge in the cause, and who shall therein sit with the court, and give decision, in the same manner and with the same effect as one of the judges. If the parties cannot agree upon a special judge, the court shall appoint one.

SEC. 11. The judges of the Supreme Court shall give their opinion upon important questions of constitutional law, and upon solemn occasions, when required by the Governor, the Senate, or the House of Representatives; and all such opinions shall be published in connection with the reported decisions of said court.

SEC. 12. The State, except the county of St. Louis, shall be divided into not less than five districts, each of which shall embrace at least three judicial circuits; and in each district a court, to be known as the District Court, shall be held, at such times and places as may be provided by law. Each District Court shall be held by the judges of the Circuit Courts embraced in the district, a majority of whom shall be a quorum. The District Courts shall, within their respective districts, have like original jurisdiction with the Supreme Court, and appellate jurisdiction from the final judgments of the Circuit Courts, and of all inferior courts of record within the district, except Probate and County Courts. After the establishment of such District Courts, no appeal or writ of error shall lie from any Circuit Court, or inferior court of record, to the Supreme Court, but shall be prosecuted to the District Court; from the final judgments of which an appeal or writ of error may be taken to the Supreme Court, in such cases as may be provided by law.

SEC. 13. The Circuit Court shall have jurisdiction over all criminal cases, which shall not be otherwise provided for by law; and exclusive original jurisdiction in all civil cases, which shall not be cognizable before justices of the peace, until otherwise directed by the General Assembly. It shall hold its terms at such time and place, in each county, as may be by law directed.

SEC. 14. The State shall be divided into convenient circuits, of which the county of St. Louis shall constitute one, for each of which, except as in the next succeeding section specified, a judge shall be elected by the qualified voters of the respective circuits, and, except as hereinafter provided, shall be elected for the term of six years; but may continue in office until his successor shall be elected and qualified; and the judge of each circuit, after his election or appointment, as hereinafter provided, shall reside in, and be a conservator of the peace within the circuit for which he shall be elected or appointed; and if any vacancy shall happen in the office of any circuit judge, by death, resignation, removal out of his circuit, or by any other disqualification, the Governor shall, upon being satisfied that a vacancy exists, issue a writ of election to fill such vacancy; provided that said vacancy shall happen at least six months before the next general election for said judge; but if such vacancy shall happen within six months of the general election aforesaid, the Governor shall appoint a judge for such circuit; but every election or appointment to fill a vacancy shall be for the residue of the term only. And the General Assembly shall provide, by law, for the election of said judges in their respective circuits; and in case of a tie, or contested election between the candidates, the same shall be determined in the manner to be prescribed by law. And the General Assembly shall provide, by law, for the election of said judges, in their respective circuits, to fill any

vacancy which shall occur at any time at least six months before a general election for said judges. At the general election in the year one thousand eight hundred and sixty-eight, and at the general election every sixth year thereafter, except as hereinafter provided, all the circuit judges shall be elected, and shall enter upon their offices on the first Monday of January next ensuing. No judicial circuit shall be altered or changed at any session of the General Assembly next preceding the general election for said judges.

SEC. 15. From and after the first day of January, one thousand eight hundred and sixty-six, the Circuit Court of the county of St. Louis shall be composed of three judges, each of whom shall try causes separately, and all, or a majority of whom, shall constitute a court in bank, to decide questions of law, and to correct errors occurring in trials; and, from and after that day, there shall not be in said county any other court of record having civil jurisdiction, except a Probate Court and a County Court. The additional judges of the Circuit Court of the county of St. Louis, authorized by this section, shall be appointed by the Governor, with the advice and consent of the Senate, and shall hold their offices until the next general election of judges of Circuit Courts, when the whole number of the judges of said court shall be elected. At the first session of said court after the judges thereof who may be elected in the year one thousand eight hundred and sixty-eight shall have assumed office, the said judges shall, by lot, determine the duration of their several terms of office, which shall be, respectively, two, four, and six years; and shall certify the result to the Secretary of State. At the general election every two years after the election in that year, one judge of said court shall be elected, to hold office for the term of six years from the first Monday of January next ensuing. The General Assembly shall have power to increase the number of the judges of said court, from time to time, as the public interest may require. Any additional judges authorized shall hold office for the term of six years, and be elected at a general election, and enter upon their office on the first Monday of January next ensuing.

SEC. 16. The provisions contained in this Article, requiring an election to be held to fill a vacancy in the office of judges of the Supreme and Circuit Courts, shall have relation to vacancies occurring after the year one thousand eight hundred and sixty-eight; up to which time any such vacancy shall be filled by appointment by the Governor.

SEC. 17. If there be a vacancy in the office of judge of any circuit, or if he be sick, absent, or from any cause unable to hold any term of court of any county of his circuit, such term of court may be held by a judge of any other circuit; and at the request of the judge of any circuit, any term of court in his circuit may be held by the judge of any other circuit.

SEC. 18. No person shall be elected or appointed a judge of the Supreme Court, nor of a Circuit Court, before he shall have attained to the age of thirty years, and have been a citizen of the United States five years, and a qualified voter of this State three years.

SEC. 19. Any judge of the Supreme Court or the Circuit Court may be removed from office, on the address of two-thirds of each house of the General Assembly to the Governor for that purpose; but each house shall state, on its respective journal, the cause for which it shall wish the removal of such judge, and give him notice thereof; and he shall have the right to be heard in his defense, in such manner as the General Assembly shall by law direct; but no judge shall be removed in this manner for any cause for which he might have been impeached.

SEC. 20. The judges of the Supreme Court, and the judges of the Circuit Courts shall, at stated times, receive a compensation for their services, to be fixed by law, which shall not be diminished during the period for which they were elected.

SEC. 21. The Circuit Court shall exercise a superintending control over all such inferior tribunals as the General Assembly may establish, and over justices of the peace in each county in their respective circuits.

SEC. 22. The Supreme Court and the District Courts shall appoint their respective clerks. Clerks of all other courts of record shall be elected by the qualified voters of the county, at a general election, and

shall hold office for the term of four years from and after the first Monday of January next ensuing, and until their successors are duly elected and qualified. The first election of such clerks after the adoption of this Constitution shall be at the general election, in the year one thousand eight hundred and sixty-six, any existing law of the State to the contrary notwithstanding.

SEC. 23. Inferior tribunals, to be known as County Courts, shall be established in each county, for the transaction of all county business. In such courts, or in such other tribunals inferior to the Circuit Courts, as the General Assembly may establish, shall be vested the jurisdiction of all matters appertaining to probate business, to granting letters testamentary and of administration, to settling the accounts of executors, administrators and guardians, and to the appointment of guardians, and such other jurisdiction as may be conferred by law.

SEC. 24. No clerk of any court established by this Constitution, or by any law of this State, shall apply to his own use from the fees and emoluments of his office, a greater sum than two thousand five hundred dollars for each year of his official term, after paying out of such fees and emoluments such amounts for deputies and assistants in his office as the court may deem necessary, and may allow; but all surplus of such fees and emoluments over that sum, after paying the amounts so allowed, shall be paid into the county treasury for the use of the county. The General Assembly shall pass such laws as may be necessary to carry into effect the provisions of this section.

SEC. 25. In each county there shall be appointed, or elected, as many justices of the peace as the public good may be thought to require. Their powers and duties, and their duration in office, shall be regulated by law.

SEC. 26. All writs and process shall run, and all prosecutions shall be conducted, in the name of the "State of Missouri;" all writs shall be tested by the clerk of the court from which they shall be issued; and all indictments shall conclude "against the peace and dignity of the State."

## ARTICLE VII.

### IMPEACHMENTS.

SECTION 1. The Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, and all judges of the courts, shall be liable to impeachment for any misdemeanor in office; but judgment, in such cases, shall not extend further than removal from office, and disqualification to hold any office of honor, trust, or profit under this State.

SEC. 2. The House of Representatives shall have the sole power of impeachment. All impeachments shall be tried by the Senate; and, when sitting for that purpose, the Senators shall be on oath or affirmation to do justice according to law and evidence. When the Governor shall be tried, the presiding judge of the Supreme Court shall preside. No person shall be convicted without the concurrence of two-thirds of the Senators present.

## ARTICLE VIII.

### BANKS AND CORPORATIONS.

SECTION 1. No corporate body shall hereafter be created, renewed, or extended, with the privilege of making, issuing, or putting in circulation any notes, bills or other paper, or the paper of any other bank, to circulate as money; and the General Assembly shall prohibit, by law, individuals and corporations from issuing bills, checks, tickets, promissory notes, or other paper, to circulate as money.

SEC. 2. No law shall be passed reviving or re-enacting any act heretofore passed creating any private corporation, where such corporation shall not have been organized and commenced the transaction of its business within one year from the time such act took effect, or within such other time as may have been prescribed in such act for such organization and commencement of business.



SEC. 3. The General Assembly shall, at its first session after this Constitution goes into effect, enact laws enabling any of the existing banks of issue to reorganize as National banks under the act of Congress; and shall also provide for the sale of the stock owned by this State in the Bank of the State of Missouri, upon such terms and conditions as shall be by law established.

SEC. 4. Corporations may be formed under general laws, but shall not be created by special acts except for municipal purposes. All general laws and special acts passed pursuant to this section may be altered, amended, or repealed.

SEC. 5. No municipal corporations, except cities, shall be created by special act; and no city shall be incorporated with less than five thousand permanent inhabitants, nor unless the people thereof, by a direct vote upon the question, shall have decided in favor of such incorporation.

SEC. 6. Dues from private corporations shall be secured by such means as may be prescribed by law; but in all cases each stockholder shall be individually liable, over and above the stock by him or her owned, and any amount unpaid thereon, in a further sum, at least equal in amount to such stock.

## ARTICLE IX.

### EDUCATION.

SECTION 1. A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the General Assembly shall establish and maintain free schools, for the gratuitous instruction of all persons in this State, between the ages of five and twenty-one years.

SEC. 2. Separate schools may be established for children of African descent. All funds provided for the support of public schools shall be appropriated in proportion to the number of children, without regard to color.

SEC. 3. The supervision of public instruction shall be vested in a Board of Education, whose powers and duties shall be prescribed by law. A Superintendent of Public Schools, who shall be the President of the Board, shall be elected by the qualified voters of the State. He shall possess the qualifications of a State Senator, and hold his office for the term of four years; and shall perform such duties, and receive such compensation, as may be prescribed by law. The Secretary of State and Attorney General shall be *ex-officio* members, and, with the Superintendent, compose said Board of Education.

SEC. 4. The General Assembly shall also establish and maintain a State University, with departments for instruction in teaching, in agriculture, and in natural sciences, as soon as the Public School Fund will permit.

SEC. 5. The proceeds of all lands that have been, or hereafter may be, granted by the United States to this State, and not otherwise appropriated by this State or the United States; also, all moneys, stocks, bonds, lands, and other property now belonging to any fund for purposes of education; also, the net proceeds of all sales of land and other property and effects that may accrue to the State by escheat, or from sales of estrays, or from unclaimed dividends, or distributive shares of the estates of deceased persons, or from fines, penalties and forfeitures; also, any proceeds of the sales of the public lands which may have been, or hereafter may be, paid over to this State (if Congress will consent to such appropriation); also, all other grants, gifts, or devises that have been, or hereafter may be, made to this State, and not otherwise appropriated by the terms of the grant, gift, or devise, shall be securely invested and sacredly preserved as a Public School Fund; the annual income of which fund, together with so much of the ordinary revenue of the State as may be necessary, shall be faithfully appropriated for establishing and maintaining the free schools and the university in this Article provided for, and for no other uses or purposes whatever.

SEC. 6. No part of the Public School Fund shall ever be invested in the stock, or bonds, or other obligations of any State, or of any county,



city, town or corporation. The stock of the Bank of the State of Missouri now held for school purposes, and all other stocks belonging to any school or university fund, shall be sold, in such manner and at such time as the General Assembly shall prescribe; and the proceeds thereof, and the proceeds of the sales of any lands or other property which now belong, or may hereafter belong, to said school fund, may be invested in the bonds of the United States. All county school funds shall be loaned, upon good and sufficient unincumbered real estate security, with personal security in addition thereto.

SEC. 7. No township or school district shall receive any portion of the Public School Fund unless a free school shall have been kept therein for not less than three months during the year for which distribution thereof is made. The General Assembly shall have power to require, by law, that every child, of sufficient mental and physical ability, shall attend the public schools, during the period between the ages of five and eighteen years, for a term equivalent to sixteen months, unless educated by other means.

SEC. 8. In case the Public School Fund shall be insufficient to sustain a free school at least four months in every year in each school district in this State, the General Assembly may provide, by law, for the raising of such deficiency, by levying a tax on all the taxable property in each county, township, or school district, as they may deem proper.

SEC. 9. The General Assembly shall, as far as it can be done without infringing upon vested rights, reduce all lands, moneys, and other property, used or held for school purposes, in the various counties of this State, into the Public School Fund herein provided for; and, in making distribution of the annual income of said fund, shall take into consideration the amount of any county or city funds, appropriated for common school purposes, and make such distribution as will equalize the amount appropriated for common schools throught the State.

## ARTICLE X.

### MILITIA.

SECTION 1. All able-bodied male inhabitants of this State, between the ages of eighteen and forty-five years, who are citizens of the United States, or have declared their intention to become citizens of the United States, shall be liable to military duty in the militia of this State; and there shall be no exemption from such duty, except of such persons as the General Assembly may, by law, exempt.

SEC. 2. The General Assembly shall, by law, provide for the organization of the militia, and for the paying of the same when called into actual service; but there shall be no officer above the grade of brigadier general, nor shall there be more than two officers of that grade.

SEC. 3. Each company and regiment shall elect its own company and regimental officers; but if any company or regiment shall neglect to elect such officers within the time prescribed by law, or by the order of the Governor, they may be appointed by the Governor.

## ARTICLE XI.

### MISCELLANEOUS PROVISIONS.

SECTION 1. The General Assembly of this State shall never interfere with the primary disposal of the soil by the United States, nor with any regulation which Congress may find necessary for securing the title in such soil to the *bona fide* purchasers. No tax shall be imposed on lands the property of the United States; nor shall lands belonging to persons residing out of the limits of this State ever be taxed at a higher rate than the lands belonging to persons residing within the State.

SEC. 2. The State shall have concurrent jurisdiction on the river Mississippi, and on every other river bordering on the said State, so far as the said river shall form a common boundary to this State and any other State which may be bounded thereby; and the said river Mississippi

and the navigable rivers and waters leading into the same, whether bordering on or within this State, shall be common highways, and forever free to the citizens of this State and of the United States, without any tax, duty, impost, or toll therefor imposed by the State.

SEC. 3. All statute laws of this State now in force, not inconsistent with this Constitution, shall continue in force until they shall expire by their own limitation, or be amended or repealed by the General Assembly; and all writs, prosecutions, actions, and causes of action, except as herein otherwise provided, shall continue; and all indictments which shall have been found, or may hereafter be found, for any crime or offense committed before this Constitution takes effect, may be proceeded upon as if no change had taken place, except as hereinafter specified.

SEC. 4. No person shall be prosecuted in any civil action or criminal proceeding, for or on account of any act by him done, performed, or executed, after the first day of January, one thousand eight hundred and sixty-one, by virtue of military authority vested in him by the Government of the United States, or that of this State, to do such act, or in pursuance of orders received by him from any person vested with such authority; and if any action or proceeding shall have heretofore been, or shall hereafter be, instituted against any person for the doing of any such act, the defendant may plead this section in bar thereof.

SEC. 5. No person who shall hereafter fight a duel, or assist in the same as a second, or send, accept, or knowingly carry, a challenge therefor, or agree to go out of this State to fight a duel, shall hold any office in this State.

SEC. 6. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and an accurate account of the receipts and expenditures of the public money shall be annually published.

SEC. 7. No person holding an office of profit under the United States, shall, during his continuance in such office, hold any office of profit under this State.

SEC. 8. In the absence of any contrary provision, all officers now or hereafter elected or appointed, shall hold office during their official term, and until their successors shall be duly elected or appointed, and qualified.

SEC. 9. The General Assembly shall have power to repeal or modify all ordinances adopted by any previous Convention.

SEC. 10. The seat of Government of this State shall remain at the City of Jefferson.

SEC. 11. No person emancipated by the "*Ordinance abolishing slavery in Missouri*," adopted on the eleventh day of January, one thousand eight hundred and sixty-five, shall, by any County Court or other authority, be apprenticed, or bound for any service, except in pursuance of laws made specially applicable to the persons so emancipated.

SEC. 12. The General Assembly shall provide, by law, for the indictment and trial of persons charged with the commission of any felony, in any other county other than that in which the offense was committed, whenever, owing to prejudice, or any other cause, an impartial grand or petit jury cannot be impaneled in the county in which such offense was committed.

SEC. 13. The credit of the State shall not be given or loaned in aid of any person, association, or corporation; nor shall the State hereafter become a stockholder in any corporation or association, except for the purpose of securing loans heretofore extended to certain railroad corporations by the State.

SEC. 14. The General Assembly shall not authorize any county, city, or town to become a stockholder in, or to loan its credit to, any company, association, or corporation, unless two-thirds of the qualified voters of such county, city, or town, at a regular or special election to be held therein, shall assent thereto.

SEC. 15. The General Assembly shall have no power, for any purpose whatever, to release the lien held by the State upon any railroad.

SEC. 16. No property, real or personal, shall be exempt from taxation, except such as may be used exclusively for public schools, and such as may belong to the United States, to this State, to counties, or to municipal corporations within this State.

## ARTICLE XII.

### MODE OF AMENDING AND REVISING THE CONSTITUTION.

SECTION 1. This Constitution may be amended and revised in pursuance of the provisions of this Article.

SEC. 2. The General Assembly, at any time, may propose such amendments to this Constitution as a majority of the members elected to each house shall deem expedient; and the vote thereon shall be taken by yeas and nays, and entered in full on the journals. And the proposed amendments shall be published with the laws of that session, and also shall be published weekly in two newspapers, if such there be, within each Congressional district in the State, for four months next preceding the general election then next ensuing. The proposed amendments shall be submitted to a vote of the people, each amendment separately, at the next general election thereafter, in such manner as the General Assembly may provide. And if a majority of the qualified voters of the State, voting for and against any one of said amendments, shall vote for such amendment, the same shall be deemed and taken to have been ratified by the people, and shall be valid and binding, to all intents and purposes, as a part of this Constitution.

SEC. 3. The General Assembly may, at any time, authorize, by law, a vote of the people to be taken upon the question whether a Convention shall be held for the purpose of revising and amending the Constitution of this State; and if at such election a majority of the votes on the question be in favor of a Convention, the Governor shall issue writs to the sheriffs of the different counties, ordering the election of delegates to such a Convention, on a day within three months after that on which the said question shall have been voted on. At such election each Senatorial District shall elect two delegates for each Senator to which it may then be entitled in the General Assembly, and every such delegate shall have the qualifications of a Senator. The election shall be conducted in conformity with the laws regulating the election of Senators. The delegates so elected shall meet at such time and place as may be provided by law, and organize themselves into a Convention, and proceed to revise and amend the Constitution; and the Constitution, when so revised and amended, shall, on a day to be therein fixed, not less than sixty nor more than ninety days after that on which it shall have been adopted by the Convention, be submitted to a vote of the people for and against it, at an election to be held for that purpose only; and if a majority of all the votes given be in favor of such Constitution, it shall, at the end of thirty days after such election, become the Constitution of this State. The result of such election shall be made known by proclamation by the Governor. The General Assembly shall have no power, otherwise than as in this section specified, to authorize a Convention for revising and amending the Constitution.

## ARTICLE XIII.

### PROVISIONS FOR PUTTING THIS CONSTITUTION INTO FORCE.

And we do further ordain as follows:

SECTION 1. The preceding parts of this instrument shall not take effect unless this Constitution be adopted by the people at the election to be held as hereinafter directed; but the provisions of this Article shall be in force from the day of the adoption of this Constitution by the Representatives of the people in this Convention assembled.

SEC. 2. For the purpose of ascertaining the sense of the people in regard to the adoption or rejection of this Constitution, the same shall be submitted to the qualified voters of the State, at an election to be held



on the sixth day of June, one thousand eight hundred and sixty-five, at the several election precincts in this State and elsewhere, as hereinafter provided. On that day, or on any day not more than fifteen days prior thereto, such qualified voters of this State as shall then be absent from the places of their residence, by reason of their being in the military service of the United States, or of this State, whether they then be in or out of this State, shall be entitled to vote on the adoption or rejection of this Constitution. For that purpose a poll shall be opened in each Missouri regiment or company in such service, at the quarters of the commanding officer thereof; and the voters of this State belonging to such regiment or company, and any others belonging to any other such regiment or company, and who may be present, may vote at such poll. Any one or two commissioned officers of such regiment or company, who may be present at the opening of the polls, shall act as judge or judges of the election, and if no such officer be present, then the voters of such regiment or company present shall elect two of the voters present to act as such judges. Every such judge shall, before any votes are received, take an oath or affirmation that he will honestly and faithfully perform the duties of judge, and make proper return of the votes given at such election; and such oath the judges may administer to each other. In any election held in a regiment or company, the polls shall be opened at eight o'clock, A. M., and closed at six o'clock, P. M.

SEC. 3. The election provided for in the next preceding section shall be by ballot. Those ballots in favor of the Constitution shall have written or printed thereon the words "New Constitution—Yes;" those against the Constitution shall have written or printed thereon the words "New Constitution—No."

SEC. 4. The said election shall be conducted and the returns thereof made to the clerks of the several county courts, and by them immediately certified to the Secretary of State, as provided by law; in the case of elections of State officers, and where an election shall be held in a regiment or company, the returns thereof, with the poll books, shall be certified to the Secretary of State, and may be transmitted by mail, or by any messenger to whom the judges of the election may intrust the same for that purpose.

SEC. 5. Any qualified voter of this State, within the State, who, on the day of said election, shall be absent from the place of his residence, may vote at any place of voting, upon satisfying the judges that he is a qualified voter, and being sworn by them that he has not voted, and will not vote, in said election, at any other election precinct.

SEC. 6. At said election no person shall be allowed to vote, who would not be a qualified voter according to the terms of this Constitution, if the second Article thereof were then in force. The judges of election shall administer to every person offering to vote, in lieu of the oath now required to be taken by voters under the ordinance of June 10th, 1862, the following oath, to-wit: "I, A. B., do solemnly swear that I am well acquainted with the terms of the third section of the second Article of the Constitution of the State of Missouri, adopted by the Convention which assembled in the city of St. Louis, on the 6th day of January, eighteen hundred and sixty-five, and have carefully considered the same; that I have never, directly or indirectly, done any of the acts in said section specified; that I have always been truly and loyally on the side of the United States against all enemies thereof, foreign and domestic; that I will bear true faith and allegiance to the United States, and will support the Constitution and laws thereof as the supreme law of the land, any law or ordinance of any State to the contrary notwithstanding; that I will, to the best of my ability, protect and defend the Union of the United States, and not allow the same to be broken up and dissolved, or the Government thereof to be destroyed or overthrown, under any circumstances, if in my power to prevent it; and that I make this oath without any mental reservation or evasion, and hold it to be binding on me." Should any such person decline to take said oath, he shall not be permitted to vote at said election; but the taking thereof shall not be deemed conclusive evidence of the right of such person to vote, but such right may be



disputed and disproved. Any person who shall falsely take, or, having taken, shall thereafter willfully violate the oath prescribed in this section, shall, upon conviction thereof by any court of competent jurisdiction, be adjudged guilty of the crime of perjury, and shall be punished therefor in accordance with existing law.

SEC. 7. On the first day of July next ensuing said election, the Secretary of State shall, in presence of the Governor, the Attorney General, or the State Auditor, proceed to examine and cast up the returns of the votes taken at said election, and certified to him, including those of persons in the military service; and if it shall appear that a majority of all the votes cast at such election were in favor of the Constitution, the Governor shall issue his proclamation, stating that fact; and this Constitution shall, on the fourth day of said month of July, be the Constitution of the State of Missouri.

SEC. 8. The officer now known as the "Auditor of Public Accounts" shall hereafter be styled State Auditor.

SEC. 9. The office of Register of Lands shall continue until the General Assembly shall abolish the same.

Done by the Representatives of the people of the State of Missouri, in Convention assembled, at the city of St. Louis, on the 8th day of April, in the year of our Lord one thousand eight hundred and sixty-five, and of the independence of the United States the eighty-ninth.

## INCORPORATION OF THE TOWN OF ST. LOUIS.

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The town of St. Louis was first incorporated on the 9th day of November, 1809, by the Court of Common Pleas for the District of St. Louis, upon the petition of two-thirds of the taxable inhabitants, under authority of an Act of the Legislature of the Territory of Louisiana, passed June 18, 1808, entitled "An act concerning towns in this Territory." The judges constituting the Court were SILAS BENT, President, and BERNARD PRATTE and LOUIS LABEAUME, Associates. The Charter granted by the Court was the only one under which the town existed until 1822, when it was incorporated as a city. It is to be found in the records of the Court, in book A, page 334, in the following words:

"On petition of sundry inhabitants of the town of St. Louis, praying so much of said town as is included in the following limits to be incorporated, to-wit: Beginning at Antoine Roy's mill, on the bank of the Mississippi; thence running sixty arpents west; thence south on said line of sixty arpents in the rear, until the same comes to the Barriere Denoyer; thence due south until it comes to the Sugar Loaf; thence due east to the Mississippi; from thence, by the Mississippi, to the place first mentioned. The Court having examined the said petition, and finding that the same is signed by two-thirds of the taxable inhabitants residing in said town, order the same to be incorporated, and the metes and bounds to be surveyed and marked, and a plat thereof filed of record in the clerk's office. And David Delaunay and William C. Carr are appointed commissioners to superintend the first election of five trustees, in pursuance of the law."

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## LAWS CONCERNING THE TOWN OF ST. LOUIS.

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### AN ACT

RESPECTING THE INCORPORATIONS OF THE TOWNS OF ST. LOUIS AND STE. GENEVIEVE.

*Be it enacted by the General Assembly of the Territory of Missouri, as follows:*

1. That the chairman of each board of trustees of the towns of St. Louis and Ste. Genevieve shall, on or before the first day of March next, cause to be published, in the *Missouri Gazette*, a correct statement of all moneys received and disbursed for the use and benefit of either of the towns since the same has been incorporated, which statement shall be published in the French and English languages, and a like statement shall be made and published by the trustees every six months thereafter; and if the chairman of either board of trustees for the said towns shall, at any time, neglect to make and cause to be published a statement as aforesaid, according to the provisions of this act, he shall forfeit and pay, for every such neglect, the sum of fifty dollars, to be recovered by action

of debt in any court of record, in this territory, having competent jurisdiction; one-half whereof shall be for the use of the said corporation, and the other half to the use of any person who will sue for the same.

2. That the chairman of each board of trustees shall be authorized to commence suit in his own name, as such, against any person who may have been an officer of the said corporation, and who detains in his hands money belonging to the same; which suit may be commenced and carried on to final judgment and execution in any court having competent jurisdiction thereof.

This act shall take effect and be in force from and after the passage thereof.

Approved, January 15, 1813.

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## AN ACT

EXTENDING CERTAIN POWERS TO THE TRUSTEES OF THE CORPORATION OF THE TOWN OF ST. LOUIS.

*Be it enacted by the General Assembly of the Territory of Missouri, as follows:*

1. That the trustees of the town of St. Louis be, and they are hereby, authorized to have a survey and plat of said town made by the county surveyor, and to ascertain and fix the exact dimensions, metes and boundaries of each street and town lot, according to the right and title of each claimant or owner of said lot or lots, having regard to all acts of Congress on the subject, and also to a plat of said town deposited with, or recorded in, the Recorder's office of this territory, so far as said plat may go, or have been made.

2. That the lot or lots whereon Auguste Chouteau, senior, now lives, shall first be ascertained and fixed, and the same shall then form the base or place of beginning for making out, ascertaining and fixing the dimensions of each street and town lot within the plan or limits of said town. And the said surveyor shall make out three copies of said plat or survey, and return the same to the board of trustees for the town of St. Louis; one of which the said board of trustees shall lodge or file with the clerk of the county court for the county of St. Louis, and after the same shall be approved, as hereinafter provided, to be recorded by said clerk; and shall present another of the said plats to the General Assembly, which, if approved and sanctioned by the said General Assembly, shall thereafter be considered as the plat of the town of St. Louis.

3. That from and after the approval of said plat, as aforesaid, the board of trustees for the town of St. Louis may, whenever they think proper, proceed to give effect to such plat and survey, by removing, or causing to be removed, all obstructions in the streets, or encroachments thereon, or upon any lot or lots owned by any private person, as far as the same may be practicable. And if any person shall resist the authority of the trustees, exercised by them, or any officer by them appointed for the purpose of carry into effect the provisions of this act, he, she, or they, on conviction thereof, before the chairman of the board, shall forfeit and pay, for the use of the town, twenty dollars, and for every successive offense, the sum of fifty dollars. And each and every resistance of the authority aforesaid, for the purposes aforesaid, shall form a distinct offense.

4. That the trustees of the town of St. Louis shall, from and after the passage of this act, be vested with full power to license and regulate all ferries established within the limits of the same, and to apply the license money arising therefrom to the use of said town: *Provided*, That said board of trustees shall not have the power to revoke any ferry license granted by the Court of Common Pleas prior to this act.

5. That the said board of trustees shall have power to levy and collect a tax on said town, for paying the expense of making said plat or survey: *Provided*, they shall not have sufficient funds in their hands, or subject to their disposition, for said purposes.

6. That the lots shall be numbered progressively, beginning with the lot or lots of Auguste Chouteau, senior, and the numbers marked or written on each lot in the plan.

7. That the said trustees shall also have power to give permanent names to each and every street within said town. And, for this purpose, they shall have power to alter or change the name of any street that may now be named; which name shall also be written on the space or spaces left in said plan as streets.

8. That all such part or parts of any law of this territory as may be inconsistent with the provisions of this act be, and the same are hereby, repealed.

This act shall take effect and be in force from and after the passage thereof.

Approved, January 21, 1815.

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## AN ACT

TO INCORPORATE THE INHABITANTS OF THE TOWN OF ST. LOUIS.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

1. That all that district of country contained within the following limits, to-wit: Beginning at a point in the middle of the main channel of the Mississippi river, due east of the southern end of a bridge across Mill creek, at the lower end of the town of St. Louis; thence due west to a point at which the western line of Seventh street, extended southwardly, will intersect the same; thence northwardly, along the western side of Seventh street, and continuing in that course to a point due west of the northern side of Roy's tower; thence due east to the middle of the main channel of the river Mississippi; thence with the middle of the main channel of the said river to the beginning; shall be, and is hereby erected into a city, by the name of the City of St. Louis; and the inhabitants thereof shall be and are hereby constituted a body politic and corporate, by the name and style of "The Mayor, Aldermen and citizens of the City of St. Louis," and by that name they and their successors shall be known in law, have perpetual succession, sue and be sued, implead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions and matters whatsoever; may grant, purchase, receive and hold property, real and personal, within the said city, and no other, (burial grounds excepted,) and may lease, sell, and dispose of the same, for the benefit of the city, and may do all other acts as natural persons; may have a common seal, and break and alter the same at pleasure.

2. That the corporate powers and duties of said city shall be vested in a mayor and a board of aldermen, who shall be chosen and appointed as hereinafter directed.

3. That the board of aldermen shall consist of nine members, for the election of whom the city shall be divided into convenient wards, which may be altered from time to time, and new wards established, as the convenience of the inhabitants may require, and the aldermen shall be appointed among the several wards according to the number of qualified electors in each.

4. That the aldermen shall be chosen by the qualified electors for the term of one year, shall be at least twenty-one years of age, and citizens of the United States, and inhabitants of the said city for one year next preceding their election, and shall each possess a freehold estate within the limits of the said city; and whenever there shall be a tie in the election of aldermen, it shall be determined by the judges of election of the ward in which it shall happen, by lot; and all vacancies shall be filled by election as aforesaid, in such manner as shall be provided by ordinance.

5. That the board of aldermen shall appoint their president and all other officers of the board, shall judge of the qualifications, elections and returns of their own members; a majority shall constitute a quorum



to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as the board may provide; they may determine the rules of proceeding, punish their members for disorderly conduct, and, by the concurrence of two-thirds of the whole number elected, expel a member, but not a second time for the same cause; they shall, at the desire of any member, cause the yeas and nays on any question to be entered on the journals.

6. The stated meetings of the board of aldermen shall be on the first Mondays of March, June, September and December, in every year, but they may be convened at other times, on extraordinary occasions, by the mayor: *Provided*, That the mayor and board of aldermen, may, by ordinance, alter the times of holding stated meetings.

7. The aldermen shall be *ex-officio* conservators of the peace throughout the city, and shall, within the same, have all the powers and jurisdiction now vested in justices of the peace in matters of a criminal nature, and shall exercise and perform all powers and duties which may be vested in or required of them by ordinance.

8. That the mayor shall be elected by the qualified electors of the city, shall hold his office for the term of one year, and until a successor is duly elected and qualified; when two or more persons shall have an equal number of votes for mayor, or any election for mayor shall be contested, it shall be determined by the board of aldermen.

9. That the mayor shall be at least thirty years of age, a citizen of the United States, shall have resided within the city for at least two years next preceding his election, and be otherwise qualified, as in the case of aldermen; and *Provided*, That no person shall be eligible to the office of mayor who may, at the time of his election, hold any office of honor, trust or profit, under this State or the United States.

10. That the mayor shall nominate, and, by and with the concurrence of the board of aldermen, appoint all officers within the city which are not ordered by law or ordinance to be otherwise appointed; he shall take care that the laws of the State and the ordinances of the corporation are duly enforced, respected and observed, within the said city; he shall have power, with the consent of the board of aldermen, to remove from office any persons holding offices created by ordinance; he may remit fines and forfeitures, and grant reprieves and pardons in any case arising under the ordinances of the corporation; he shall be a conservator of the peace within the limits of the city; he shall have power to fill all vacancies which may happen in any office (other than that of alderman) until the end of the session of the board of aldermen which shall next happen after the vacancy shall occur; he shall, from time to time, give to the board of aldermen information relative to the state of the city, and shall recommend to their consideration such measures as he shall deem expedient; he may, on extraordinary occasions, convene the board of aldermen by proclamation, stating to them, when assembled, the object for which they were convened; he shall receive such compensation for his services as may be provided by ordinance.

11. That when any vacancy shall happen in the office of mayor, by death, resignation, removal or absence from the city, removal from office, refusal to qualify, or otherwise, the president of the board of aldermen, for the time being, shall exercise the office of mayor until such vacancy shall be filled; and during the time he shall so exercise such office shall receive the same compensation as the mayor would have been entitled to; and in case of vacancy, as aforesaid, other than a temporary absence, the person exercising the office of mayor shall cause a new election to be held, giving ten days' notice thereof by proclamation.

12. That the mayor and board of aldermen shall have power, by ordinance, to levy and collect taxes upon real and personal property, within the city, not exceeding one-half of one per centum upon the assessed value thereof, except as hereinafter excepted; to make regulations to prevent the introduction of contagious diseases; to make quarantine laws for that purpose, and enforce the same within ten miles of the city, and within the jurisdiction of the State; to make regulations to

secure the general health of the inhabitants; to prevent and remove nuisances; to establish night watches and patrols, erect lamps in the streets and lighting the same; to improve and preserve the navigation of the Mississippi within the city; to erect, repair, and regulate public wharves and docks; to regulate the erecting and the rates of wharfage at private wharves; to regulate the stationing, anchorage and mooring of vessels; to provide for licensing, taxing and regulating auctions, retailers, ordinaries, and taverns, billiard tables, hackney carriages, wagons, carts, drays, pawnbrokers, venders of lottery tickets, money changers, hawkers and peddlers, theatrical and other shows and amusements; to restrain and prohibit tippling houses, gaming, gaming houses, bawdy houses and other disorderly houses; to establish and repair bridges; to establish and regulate markets; to open and keep in repair streets, avenues, lanes, alleys, drains and sewers, and keep the same clean; to provide the city with water; to provide for safe keeping standard weights and measures for the regulation of weights and measures, to be used in said city; to regulate the cleaning of chimneys, and fix the fees therefor; to provide for the prevention and extinguishment of fires; to regulate the size of bricks to be made and used within the city; to provide for the inspection of lumber, and other building materials to be sold or used therein; to regulate and order partition and parapet walls and partition fences; to regulate the inspection of butter, lard, wood, and the weight and quality of bread, the storage of gunpowder, tar, pitch, resin, hemp, cotton and other combustible materials; to erect pumps in the streets, for the convenience of the inhabitants; to regulate the police of the city; to regulate the election of city officers and fix their compensation; and from time to time to pass such ordinances to carry into effect the objects of this act, and the powers hereby granted, as the good of the inhabitants may require, and to impose and appropriate fines and forfeitures for the breach of any ordinance, and provide for the collection thereof: *Provided*, That no tax shall be laid upon the wearing apparel, or necessary tools, or implements of any persons used in carrying on his trade, nor shall the same be subject to distress or sale for tax.

13. That upon the application of the holders of two-thirds of the front of the lots on any street or part of a street, it shall be lawful for the mayor and aldermen to levy and collect a special tax on the holders of the lots on said street or part of a street, according to their respective fronts, for the purpose of paving such street or part of a street, and upon a similar application to levy a tax in the same manner for the purpose of lighting the streets or erecting lamps therein.

14. That the mayor and aldermen shall have power to regulate, pave and improve the streets, avenues, lanes and alleys, within the limits of the city, and to extend, open and widen streets, avenues, lanes and alleys, making the person or persons injured thereby adequate compensation therefor; to ascertain which the mayor shall, in all such cases, cause to be summoned twelve good and lawful men, freeholders, inhabitants of said city, not directly interested, who (being fully sworn for that purpose) shall inquire into, and take into consideration, as well the benefits as the inconveniences which may accrue, and estimate and assess the damages which would be sustained by reason of the opening, extension or widening of any street, avenue, lane or alley; and shall, moreover, estimate the amount which other persons will be benefited thereby, and shall contribute toward compensating the person injured; all of which shall be returned to the mayor, under their hands and seals, and the person or persons who shall be benefited, and so assessed, shall pay the same in such manner as shall be provided for by ordinance, and the residue, if any, shall be paid out of the city treasury.

15. That every bill which shall have been passed by the board of aldermen, shall, before it becomes a law, be presented to the mayor for his approbation; if he approve, he shall sign it; if not, he shall return it with his objections to the board, and they shall reconsider the same; and if, after such reconsideration, a majority of the whole number elected shall pass the bill, it shall become a law; in all such cases the ayes and

nays shall be entered on the journals; and if any bill shall not be returned to the board within three days after it shall have been delivered to the mayor, as aforesaid, it shall become a law in the same manner as if he had approved it.

16. That the style of the laws of the said corporation shall be: "*Be it ordained by the Mayor and Board of Aldermen of the City of St. Louis;*" and all ordinances shall, within one month after they are passed, be published in some newspaper printed in said city.

17. That the mayor shall nominate, and, by and with the advice and consent of the board of aldermen, appoint a register of the city, who shall hold his office for the term of one year, unless sooner removed, who, before he enters upon the duties of his office, shall take and subscribe the oath hereinafter prescribed, and shall, moreover, give bond with sufficient security, to be approved of by the mayor, conditioned for the faithful discharge of the duties of his office; and it shall be his duty to keep a register of all the official acts of the mayor, and when necessary shall attest them; he shall perform the duties of clerk to the board of aldermen, when in session; he shall keep a book or books, wherein shall be entered all the proceedings of the board; which book shall, at all proper times, be open to the inspection of the inhabitants of the city; and he shall keep and preserve in his office all records, public papers and documents belonging to the city, and shall perform such other duties as shall be enjoined on him by ordinance.

18. That the mayor, and each of the aldermen, and every other officer of the corporation, shall, before entering on the duties of his office, take an oath or affirmation before some judge or justice of the peace, to support the Constitution of the United States and of this State, and faithfully to demean himself in office.

19. That all property, real and personal, heretofore belonging to the inhabitants of the town of St. Louis, or the trustees thereof, in their corporate capacity, shall be, and is hereby declared to be, vested in the corporation; and all suits commenced for and on behalf of the said trustees shall be prosecuted to judgment and execution as if this act had not passed; and all moneys arising therefrom, and all fines, penalties and forfeitures accruing to the said trustees, shall be paid to the mayor for the use of the city; and all ordinances now in force shall remain in force as ordinances of the said city, until altered, modified or repealed by the said mayor and board of aldermen; all actions, fines, penalties, forfeitures, which shall have accrued, or may accrue, to the town of St. Louis, shall be vested in, and be prosecuted for, in the name of the corporation created by this act.

20. That a general election for the officers of the corporation shall be held on the first Monday of April in each and every year, in the several wards of the said city, in such manner as the mayor and aldermen may by ordinance provide.

21. That all free white male persons, of the age of twenty-one years, and who have paid a city tax, shall be entitled to vote at all elections for city officers; and at all such elections the vote shall be by ballot.

22. That it shall be the duty of the mayor to nominate and appoint, and by and with the advice and consent of the board of aldermen, appoint a city constable, who shall, before entering upon the discharge of the duties of his office, take the oath of office by this act prescribed, and enter into bond to the said corporation, with sufficient security, to be approved of by the mayor, conditioned for the faithful discharge of the duties of his office, which bond shall be deposited and recorded in the register's office; and the said constable shall possess the same powers, and perform the same duties within the said city, as the constables in the different townships possess in their respective townships; and shall, moreover, execute and return all process which may be issued by the mayor, or any alderman, and such other duties as shall be prescribed by ordinance, and shall be entitled to the same compensation as sheriffs and constables in like cases.

23. That the first election for mayor and aldermen shall be held and conducted by the trustees of the town of St. Louis, or any two of them,

at the office of the register of said town, which election shall be conducted according to the existing laws of the State regulating elections; and the said trustees, or any two of them, shall make out and deliver to each person elected a certificate thereof, and the persons so elected shall take and subscribe the oath of office before some judge or justice of the peace, which, being indorsed on such certificate, shall be certified by such judge or justice; and at such first election, all persons, (otherwise qualified,) who have paid a corporation tax in the town of St. Louis, shall be entitled to a vote.

24. That the foregoing provisions of this act shall take effect as soon as they shall be accepted by the inhabitants of said town, and not before, in manner following, that is to say: An election shall be held on the first Monday of March next, by the trustees of said town, or a majority of them, at the office of the register of said town, at which all free white male persons, otherwise qualified, who have paid a corporation tax to the town of St. Louis, and who reside within the limits prescribed in the first section of this act, shall be entitled to vote; and at the said election, the voters shall vote by ballot "for or against the city charter," and if a majority of all the votes given shall be for the city charter, the said board of trustees shall determine on what day the first election for city officers shall be held, which shall not be more than two months, nor less than three weeks, after the acceptance of the charter, and shall cause a notice thereof to be published in some newspaper printed in said town, for at least two weeks before the day appointed for such election; but if the charter shall not be accepted as aforesaid, the said trustees may, from time to time, whenever they shall be petitioned to that effect by at least one hundred householders, residing within the limits aforesaid, cause an election to be held as aforesaid until the charter shall be accepted, giving at least two weeks' previous notice of such election, by publication in some newspaper printed in said town; and when the charter shall be accepted as aforesaid, they shall proceed as hereinbefore provided, in case of the acceptance of the charter; and the officers, who shall be elected at the first election, shall continue in office until the first Monday in April then next following, and until their successors are duly elected and qualified: *Provided*, That the General Assembly may, at any time, repeal, alter, amend, or modify this act at pleasure.

Approved, December 9, 1822.

## AN ACT

IN ADDITION TO AN ACT ENTITLED "AN ACT TO INCORPORATE THE INHABITANTS OF THE TOWN OF ST. LOUIS," AND AN ACT SUPPLEMENTARY THERETO.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

1. That the mayor, aldermen and citizens of the city of St. Louis may purchase, receive and hold property, real and personal, within the limits of the city of St. Louis; and such other real and personal property, beyond the limits of said city, as may be actually necessary for the water-works, for supplying the city with water from the Mississippi; and not exceeding ten acres, for the establishment of a hospital, for the reception of persons infected with contagious diseases, and for other purposes; and may lease, sell, and dispose of the same for the benefit of the city.

2. That the mayor and board of aldermen shall have power, by ordinance, to regulate the inspection of beef, whisky, pork, flour and corn meal, in barrels.

3. That the seventh section of an act entitled "An act supplementary to an act entitled an act to incorporate the inhabitants of the town of St. Louis," be and the same is hereby repealed; and that the mayor and board of aldermen shall have power to regulate and fix the salaries of the different officers by ordinance.

4. That the aldermen shall have power to nominate, and, by and with



the consent of the mayor, may appoint an assessor, whose duties shall be prescribed by ordinance.

5. That the citizens within the limits of the said corporation of the city of St. Louis shall be exempt from working any road or roads beyond the limits of the corporation, or from paying any tax to procure laborers to work upon said road or roads.

6. That the mayor and board of aldermen shall have power to regulate, pave and improve the streets, avenues, lanes and alleys within the city, and to establish, open, widen and extend all such streets, avenues, lanes and alleys; and when it shall be necessary to take private property for any public street, lane or avenue, a just compensation shall be made therefor; and when the amount of such compensation shall not be agreed upon between the mayor, aldermen, and the person injured, the mayor shall cause an inquest thereof to be made by a jury of twelve good and lawful men, freeholders of the city, and not directly interested, who, being duly sworn by the mayor, shall estimate and assess the damages which would be sustained by the person or persons whose property is so taken, and shall return their verdict, under their hands, to the mayor. And in opening, widening, or in any manner altering alleys through the blocks or squares of the said city, the same proceedings shall be had as in the case of public streets, avenues and lanes aforesaid, with this addition, that the jury of inquest shall assess not only the damages which will accrue to the owner of the property taken, but also the amount of benefit which will accrue to such persons as shall have petitioned the mayor for the opening, widening or altering such alley; and the mayor and aldermen may provide by ordinance for forcing the payment of such assessments; and the mayor shall have power, for good cause shown within ten days after the return to him of any inquest in virtue of this section, to set the same aside, and have a new inquest taken. And the mayor and aldermen shall have power to provide by ordinance for the assessment and payment of reasonable fees to the jury and the constable. And the fourteenth section of the "Act to incorporate the inhabitants of the town of St. Louis," is hereby repealed.

7. That the city assessor, to be appointed in manner aforesaid, shall, every second year, at the time of making the assessment, take a census and enumeration of all the inhabitants of the city, and in such manner as shall be prescribed by ordinance; and, immediately after the taking and return of such census and enumeration, it shall be the duty of the corporate authorities of the city to arrange and reform the wards of the city in such manner as to make them, as nearly as may be, equal in qualified voters.

8. That the mayor and board of aldermen shall have the exclusive right to license ferries and billiard tables within the limits of the city, and also the exclusive right, by ordinance, to regulate, restrain, punish or suppress the keeping of ferries and billiard tables in said city; and all the net proceeds of all moneys arising under the rights and powers granted by this section, whether by licenses, fines, forfeitures, penalties, or otherwise, shall be appropriated and be applied to the support of such public hospital as may be, or is now established in or near the said city by law.

9. That whenever any tract or parcel of land, adjoining the city of St. Louis, shall be laid off as a town into streets and lots, and a petition shall be presented to the mayor and aldermen of said city, signed by two-thirds of the persons who own such tract or parcel of land, praying that the same may be annexed to and form a part of the city, the mayor and board of aldermen shall cause a poll to be opened at the next general election in said city, and require the qualified voters, at the time of voting for mayor and aldermen, to vote for or against the admission into the city of the tract or parcel of land so prayed to be annexed thereto. And if three-fifths of the qualified voters of the city shall be in favor of such admission, such tract or parcel of land shall become a part or parcel of the city to all intents and purposes, as fully and perfectly as if the same had been included within the original limits of the same; and the mayor and board of aldermen shall cause a record thereof to be made and deposited in the archives of said city.

10. That all such parts of the act to which this is a supplement as are contrary to or inconsistent with the provisions of this act, be and the same are hereby repealed.

This act shall take effect from and after the passage thereof.

Approved, January 15, 1831.

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## AN ACT

IN ADDITION TO AN ACT INCORPORATING THE INHABITANTS OF THE TOWN OF ST. LOUIS.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

1. That the city of St. Louis shall, after the first day of April, eighteen hundred and thirty-three, be divided into four wards, the boundaries of which shall be fixed by the proper authority of said city, and may be changed from time to time, according to law, as the change in population may require; and the authorities of the city may establish new wards whenever, in their judgment, the interests of the inhabitants may require it; and every ward, whether now in being, or hereafter to be established, shall have the right to elect three aldermen, so that the board of aldermen shall, at all times, consist of three members from each ward.

2. That the mayor and board of aldermen shall have the exclusive right to license, regulate and restrain the keeping of ferries and billiard tables within the limits of the city; and also the right to punish or entirely suppress the keeping of billiard tables within the city; and the net proceeds of all moneys arising under the rights and powers granted by this section, whether by license, fines, forfeitures, or otherwise, shall be appropriated and applied to the support of such hospital as is or may be established in or near the said city, as the mayor and board of aldermen, by ordinance, may from time to time direct.

3. That whenever any tract or parcel of land, adjoining the city of St. Louis, shall be laid off, as a town, into streets and lots, and a petition shall be presented to the mayor and board of aldermen of said city, by the proprietors of the major part of such tract or parcel of land, praying that the same may be annexed to, and form a part of, the city, the mayor and board of aldermen shall cause polls to be opened at the next general election of city officers, and require the electors, at the time of voting for mayor and aldermen, to vote for or against the admission into the city of the tract or parcel of land so prayed to be annexed thereto; and if a majority of all the electors of the city shall be in favor of such admission, such tract or parcel of land shall thenceforth be part and parcel of the city, to all intents and purposes; and the mayor and board of aldermen shall cause a record thereof to be made and deposited in the archives of the city.

4. That the act to incorporate the inhabitants of the town of St. Louis, and all other acts of the General Assembly made as additions or supplements thereto, are hereby declared to be public laws, to be received and recognized in all courts and places, without requiring any proof thereof other than is required of the other public laws of the State. And all ordinances of the city may be proven by the seal of the corporation; and when printed and published in book form, and purporting to be so printed by authority of the corporation, the same may be received in evidence in all courts and places without further proof.

5. That the eighth and ninth sections of "An act in addition to an act entitled an act to incorporate the inhabitants of the town of St. Louis," and the act supplementary thereto, approved the fifteenth of January, eighteen hundred and thirty-one, be, and the same are hereby repealed.

Approved, January 16, 1833.

## AN ACT

TO INCORPORATE THE INHABITANTS OF THE TOWN OF ST. LOUIS.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

1. That all that district of country contained within the following limits, to-wit: Beginning at a point in the middle of the main channel of the Mississippi river, due east of the southern end of a bridge across Mill creek, at the lower end of the town of St. Louis; thence due west to a point at which the western line of Seventh street, extended southwardly, will intersect the same; thence northwardly, along the western side of Seventh street, and continuing in that course to a point due west of the northern side of Roy's tower; thence due east to the middle of the main channel of the Mississippi river; thence with the middle of the main channel of the said river to the place of beginning, which was heretofore erected into a city by the name of the City of St. Louis, is hereby continued as a city, by the name of the City of St. Louis.

2. That the inhabitants of the said city heretofore constituted a body politic and corporate, by the name and style of the "Mayor, Aldermen and citizens of the City of St. Louis," are hereby continued as such body politic and corporate, by the name and style of the "Mayor, Aldermen and citizens of the City of St. Louis," and by that name they and their successors shall be known in law, shall have perpetual succession, shall sue and be sued, implead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatever; may purchase, receive and hold property, real and personal, within the said city, and may sell, lease, or dispose of the same for the benefit of the city; may purchase, receive and hold property, real and personal, beyond the limits of said city, to be used for the burial of the dead of the city; also for the erection of waterworks to supply the city with water, and also for the establishment of a hospital for the reception of persons infected with contagious and other diseases; and may sell, lease, or dispose of such property for the benefit of the city, and may do all other acts as natural persons; they shall have a common seal, and may break and alter the same at pleasure.

3. That the city shall be divided into four wards, the boundaries of which shall be fixed by ordinance, and may be changed from time to time as the change in population may require; and the mayor and board of aldermen may establish new wards.

4. That the mayor and board of aldermen shall have power to organize and establish fire companies in the city, not exceeding one hundred members to each company; and the members thereof shall be exempt from performing militia duty in time of peace.

5. That the powers of said corporation shall be vested in a mayor and board of aldermen.

6. That the mayor shall be elected by the voters of the city, and shall hold his office for the term of one year, and until his successor be duly elected and qualified.

7. That the mayor shall be at least thirty years of age, a citizen of the United States, and shall have resided within the city for at least two years next preceding his election, and shall possess a freehold estate within the limits of the city.

8. That no person shall be mayor who, at the time of his election, shall hold any office of honor, trust or profit under the United States.

9. That if the mayor, during his continuance in office, shall receive any office of honor, trust, or profit, under the United States, his office of mayor shall thereby immediately become vacated.

10. That the board of aldermen shall, at all times, consist of three members from each ward of the city.

11. That the aldermen shall be chosen by the voters of each ward, and shall hold their offices for the term of one year, and until their successors be duly elected and qualified.

12. That each alderman shall be at least twenty-one years of age, a citi-

zen of the United States, an inhabitant of the city for the term of one year next preceding his election, and shall possess a freehold estate within the limits of the city.

13. That if the mayor or any alderman, during his continuance in office, shall cease to possess a freehold estate within the limits of the city, his office shall immediately thereby become vacated.

14. That the mayor, aldermen, and all other officers of the city, shall, during their continuance in office, reside within the limits of the city.

15. That if the mayor, any alderman, or other officer of the corporation shall cease to reside within the limits of the city, his office shall thereby immediately become vacated.

16. That where two or more persons shall have an equal number of votes for the office of mayor, the board of aldermen shall determine, by lot, which of such persons shall be mayor.

17. That whenever there shall be a tie in the election of aldermen, the judges of election in the ward in which it shall happen shall determine the same by lot.

18. That whenever any election for mayor or aldermen shall be contested, it shall be determined by the board of aldermen.

19. That all vacancies that shall occur in the board of aldermen shall be filled by election, in such manner as shall be provided by ordinance.

20. That whenever any vacancy shall happen in the office of mayor, it shall be filled by election, in such manner as shall be provided by ordinance.

21. That the mayor may be removed from office for any misdemeanor in office, by a vote of two-thirds of all the members of the board of aldermen elected.

22. That the mayor shall have power to nominate, and, with the concurrence of the board of aldermen, to appoint all city officers not ordered by law or ordinance to be otherwise appointed; he shall take care that the laws of the State and the ordinances of the city are duly enforced, respected and observed within the city; he may remit fines, forfeitures and penalties, accruing or flowing from the violation of any ordinance of the city; he may fill all vacancies which shall happen in any office other than that of alderman, until the end of the session of the board of aldermen, which shall next happen after the vacancy shall have occurred; he shall, from time to time, give the board of aldermen information relative to the state of the city, and shall recommend to their consideration such measures as he shall deem expedient.

23. That the board of aldermen shall elect one of their own number to be president of the board; they shall appoint all such officers, servants and agents of the board as they shall deem necessary for the transaction of business; they shall judge of the qualifications, elections and returns of members of the board; they shall make rules and regulations for the government of their own proceedings; they shall have power to compel the attendance of absent members on the meetings of the board; to punish members for disorderly conduct, and, by a vote of two-thirds of all the members elected, to expel a member, but not a second time for the same offense; they shall cause a true and faithful record to be kept of all the acts and proceedings of the board, and, at the desire of any member, shall cause the yeas and nays on any question to be entered therein.

24. That there shall be four stated meetings of the board of aldermen in every year, the times and places of which shall be prescribed by resolution or ordinance of the board.

25. That, in all meetings of the board of aldermen, a majority of the whole number of members elected shall constitute a quorum to do business, but any smaller number may adjourn from day to day, and compel the attendance of absent members.

26. That at all meetings of the board of aldermen, they may adjourn and meet upon such adjournment.

27. That the mayor, or any five members of the board of aldermen, may call special meetings of the board of aldermen, by giving one day's notice thereof, in writing, to the members of the board.

28. That whenever a special meeting of the board of aldermen shall be



called by the mayor, he shall state to them, when assembled, the cause for which they have been assembled.

29. That the mayor and aldermen shall be conservators of the peace throughout the city, and shall have therein all the powers and jurisdiction now vested in justices of the peace in matters of a criminal nature, and shall exercise all powers and perform all the duties which may be vested in or required of them by ordinance.

30. That the mayor, aldermen, and each justice of the peace within the city, shall have jurisdiction of all cases arising under this act and under all ordinances of the city, subject, however, to an appeal in all cases to the circuit court of St. Louis county, and every such appeal shall be granted and taken in the same manner as appeals are granted by and taken from justices of the peace to the circuit court, under the general law of the State.

31. That when any vacancy shall happen in the office of mayor, the president of the board of aldermen shall exercise the duties and receive the compensation of mayor until such vacancy shall be filled.

32. That the mayor and board of aldermen shall have power within the city to levy and collect taxes, not exceeding one-half of one per centum, upon all property and persons made taxable by law for State purposes; to make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and enforce the same within ten miles of the city; they shall have power by ordinance, within the city, to establish hospitals; to make regulations to secure the general health of the inhabitants of the city; to prevent and remove nuisances; to divide the city into wards; to establish night watches and patrols; to erect lamps in the streets; to provide the city with water; to erect hydrants and pumps in the streets, for the convenience of the inhabitants; to open and keep in repair streets, avenues, lanes, alleys, drains and sewers, and keep the same clean; to regulate, pave and improve the streets, avenues, lanes, and alleys, within the city; and to establish, open, widen and extend all such streets, avenues, lanes and alleys; to establish and repair bridges; to establish and regulate markets; to improve and preserve the navigation of the Mississippi river within the city; to erect, repair, and regulate public wharves and docks; to regulate the erecting of private wharves, and the rates of wharfage at the same; to regulate the stationing, anchorage and mooring of vessels within the city; to provide for the prevention and extinguishment of fires; to organize and establish fire companies; to establish standard weights and measures, and regulate the weights and measures to be used in the city, thereby in all cases not otherwise provided for by law; to regulate the size of bricks to be made and used within the city; to regulate and order partition and parapet walls and partition fences; to regulate the cleaning of chimneys, and fix the fees therefor; to regulate the storage of gunpowder, tar, pitch, resin, hemp, cotton and other combustible materials; to regulate the police of the city; to license, tax and regulate auctioneers, merchants, retailers, grocers, ordinaries, taverns, coffee houses, pawnbrokers, money changers, hawkers, peddlers, wagons, carts, drays, theatrical and other shows and amusements; to restrain, prohibit, or tax tippling houses; to restrain or prohibit bawdy and other disorderly houses; the right to suppress gaming and gaming houses; the exclusive right to license, regulate, and restrain the keeping of ferries; the exclusive right to license, regulate, restrain or suppress the keeping of billiard tables; to regulate the weight, quality and price of bread; to provide for the inspection of lumber and other building materials to be sold or used in the city; to regulate the inspection of butter, lard, and other provisions; to provide for the inspection, weighing and measuring of hay, stone coal and wood, and to regulate the sale of the same; to regulate the inspection of beef, pork, flour, corn, meal and whisky, in barrels; the exclusive right to provide for the inspection of tobacco; to regulate the elections of city officers; to remove from office any person holding an office created by ordinance; to fix the compensation and fees of all city officers; to fix the fees of jurors, witnesses, and others, for services rendered under this act, or any ordinance of the city;

to provide for the payment of all expenses incurred in the performance of duties required by this act, or any ordinance of the city; to impose fines and forfeitures for the breach of any ordinance of the city, and provide for the collection and appropriation thereof; to provide for taking the census and enumeration of the inhabitants of the city; to appoint all officers, servants and agents necessary to carry into effect the powers hereby granted.

33. Every ordinance which the board of aldermen shall pass, before it becomes a law, shall be presented to the mayor for his approbation.

34. If the mayor shall not approve an ordinance presented to him for approbation, he shall return it to the board of aldermen with his objections; and the board shall reconsider the ordinance so returned, and if, after such reconsideration, a majority of the whole number of aldermen elected shall pass the ordinance, it shall become a law.

35. If any ordinance shall not be returned to the board of aldermen within three days after it shall have been delivered to the mayor for his approbation, it shall become a law in the same manner as if he had approved it.

36. The style of the ordinances of the city shall be, "Be it ordained by the mayor and board of aldermen of the city of St. Louis."

37. All ordinances passed by the board of aldermen shall, within one month after they have become a law, be published in some newspaper published in the city.

38. All ordinances of the city may be approved by the seal of the corporation, and when printed and published in book form, and purporting to be so printed by authority of the corporation, the same shall be received in evidence in all courts and places, without further proof.

39. When it shall be necessary to take private property for opening, widening or altering any public street, lane or avenue, the corporation shall make a just compensation therefor to the person whose property is taken; and, if the amount of such compensation can not be agreed on, the mayor shall cause the same to be ascertained by a jury of disinterested freeholders of the city.

40. In opening, widening, or altering alleys through the blocks or squares of the city, the same proceedings shall be had as in the case of opening, widening or altering public streets, lanes or avenues, with this addition, that the jury shall ascertain the amount of benefit that will accrue to the person whose property is taken, or to those who may have petitioned for the opening, widening or altering of such alley.

41. When the owners of all the property where a street, lane, avenue or alley proposed to be opened, widened or altered, shall petition therefor, the mayor and board of aldermen may open, widen or alter such street, lane, avenue or alley upon conditions to be prescribed by them; but no compensation shall be made to those whose property shall be taken for the opening, widening or altering such street, lane, avenue or alley, nor shall there be any assessment of the amount of benefit that may accrue thereby to any of the petitioners.

42. All jurors impaneled to inquire into the amount of damages or benefits which shall happen to the owners of property upon any street, lane, avenue or alley, to be opened, widened or altered, shall first be sworn to that effect, and shall return to the mayor their inquest in writing, and signed by each juror.

43. The mayor and board of aldermen shall have power, by ordinance, to enforce the payment of all sums which a jury shall declare to be the amount of benefits accruing to the owners of property upon any alley which shall be opened, widened or altered, if the owner be one of the petitioners for opening, widening or altering such alley.

44. The mayor shall have power, for good cause shown, within ten days after the return to him for any inquest, to set the same aside, and cause a new inquest to be made.

45. Upon the application of the holders of two-thirds of the front of the lots on any street, or part of a street, it shall be lawful for the mayor and board of aldermen, by ordinance, to levy and collect a special tax on the holders of the lots on said street, or part of street, according to the

respective fronts owned by them, for the purpose of paving such street, or part of a street, and upon similar application, to levy and collect a tax in the same manner, for the purpose of lighting the streets.

46. The mayor and board of aldermen shall have power, by ordinance, to direct the manner in which any property, real or personal, advertised for sale, or sold for taxes by authority of the corporation, shall be redeemed.

47. There shall be a city register, whose duty it shall be to keep a record of all the official acts of the mayor, and, when necessary, to attest them; he shall perform the duties of clerk to the board of aldermen when in session; he shall keep a book or books wherein shall be entered all the proceedings of the board; he shall keep and preserve in his office all records, public papers, and documents belonging to the city; and he shall perform all such other and further duties as the board of aldermen may enjoin on him.

48. There shall be a city constable, who shall possess within the city, in matters of a criminal nature, arising under the laws of the State, the same powers, perform the same duties, and receive the same compensation, as the constable of St. Louis township; he shall execute and return all process issued by the mayor, any alderman, or justice of the peace, under this act or any ordinance of the city; and he shall perform all such other acts and duties as shall be enjoined on him by ordinance.

49. The city register and the city constable shall each hold his office for the term of one year, and until his successor shall be duly appointed and qualified; but he may sooner be removed from office for any misdemeanor or by a vote of two-thirds of all the members of the board of aldermen elected.

50. The city register and the city constable shall each, before entering upon the discharge of the duties of his office, give bond to the mayor, for the use of the city, with sufficient security, to be approved of by the mayor, conditioned for the faithful discharge of the duties of his office.

51. The mayor, each alderman, and each officer of the corporation shall, before entering upon the discharge of the duties of his office, take and subscribe an oath or affirmation before some judge or justice of the peace, that he will support the Constitution of the United States and of this State, and faithfully demean himself in office.

52. A general election for all officers of the corporation required to be elected by this act, or by any ordinance of the city, shall be held on the first Monday of April in each year.

53. At all elections for city officers the voters shall vote by ballot.

54. All free white male persons of the age of twenty-one years, who shall have resided within the city for twelve months next preceding the election, and who shall have paid a city tax, and all free white male inhabitants of this State, of the age of twenty-one years, who shall own any real estate within the city, and who shall have paid a city tax therefor, shall be entitled to vote at all elections for city officers.

55. Persons disqualified to vote at general elections shall not vote at city elections.

56. That the inhabitants of the city of St. Louis are hereby exempted from working on any road or roads beyond the limits of the city, and from paying any tax to procure laborers to work upon the same.

57. That the net amount of moneys accruing from the licensing of billiard tables and ferries, and all fines and forfeitures accruing for violations of ordinances concerning ferries, billiard tables, and the prevention or suppressing of gaming, shall be appropriated and applied to the support of such hospital as now is or may hereafter be established in or near the city, in such manner as the mayor and board of aldermen may, from time to time, direct.

58. That the board of aldermen shall cause to be published, annually, in some newspaper printed in the city, a full and complete statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended.

59. That whenever any tract of land, adjoining the city of St. Louis, shall be laid off as a town into streets and lots, and a petition shall be



presented to the board of aldermen of the city, by the owners of the greater parts of such tract of land, praying that the same may be annexed to, and form a part of, the city, the board of aldermen shall cause polls to be opened at the next general election for city officers, and require the voters, at the time of voting for city officers, to vote by ballot for or against the admission into the city of the tract of land prayed to be annexed thereto; and if a majority of all those who vote at such election shall be in favor of such admission, such tract of land shall thenceforth become part and parcel of the city, to all intents and purposes; and the board of aldermen shall cause the fact of such admission to be entered of record on the minutes of their proceedings.

60. That all property, real and personal, heretofore belonging to the inhabitants of the town of St. Louis, or the trustees thereof, in their corporate capacity, shall be, and the same is declared to be, vested in the "Mayor, Aldermen and citizens of the City of St. Louis."

61. That all actions, fines, penalties and forfeitures, which have accrued to the inhabitants of the town of St. Louis, or the trustees thereof, in their corporate capacity, shall be vested in, and prosecuted for, by the "Mayor, Aldermen, and citizens of the City of St. Louis."

62. That this charter shall not invalidate any act done by the "Mayor, Aldermen, and citizens of the City of St. Louis," nor divest them of any right which may have accrued to them prior to the passage of this act.

63. That the General Assembly may, at any time, alter, amend or repeal this charter.

64. That this act shall be deemed and taken as a public statute, and may be read and used in all courts and places, as other public laws are, without proof.

65. That all acts or parts of acts, coming within the purview of this charter, or contrary to, or inconsistent with, its provisions, are hereby repealed.

Approved, February 26, 1835.

## AN ACT

TO AUTHORIZE THE SALE OF THE ST. LOUIS COMMONS.

*Be it enacted by the General Assembly of the State of Missouri, as follows :*

1. That at the next general election for the mayor and aldermen, in the city of St. Louis, a separate poll shall be opened to determine whether the proprietors of the commons of St. Louis consent to the sale of the same or not, and each free white owner of a lot, or any part thereof, within the limits of the former town of St. Louis, as it was limited on the 13th day of June, 1812, of twenty-one years of age, and not disqualified to vote at general elections, and the guardians of such owners as may be under that age, shall be entitled to vote upon that question, and each voter shall state which of the following modes of disposing of the proceeds of the said commons he prefers:

*First*—The one-tenth shall go to the board of president and directors of the St. Louis public schools, to be applied by them for the support of public schools in said city; the balance to be paid into the city treasury, to be applied to city purposes.

*Second*—The one-fourth shall go to the board of president and directors of the St. Louis public schools, to be applied by them to the support of public schools in said city; the balance to be paid into the city treasury, to be applied to city purposes.

*Third*—The one-half to go to the board of president and directors of the St. Louis public schools, to be applied by them for the support of public schools in said city; the balance to be paid into the city treasury, to be applied to city purposes; and the majority of votes given for either of the said modes shall decide, and the proceeds thereof shall be applied accordingly, and in no other manner.



2. That if a majority of such owners shall consent to the sale of the commons, then the mayor and board of aldermen of the city of St. Louis are hereby authorized to sell the commons belonging to the inhabitants of the city of St. Louis, in the manner and upon the conditions hereinafter expressed.

3. That the board aforesaid shall cause the said commons to be surveyed and laid off into lots, not smaller than one acre, nor larger than forty acres, and at the time of the survey shall lay out in said commons such roads, lanes, streets, or alleys as they may deem necessary; and all roads, lanes, streets, or alleys so laid out are hereby declared to be reserved for public use. The mayor and board aforesaid shall cause a plat of said survey to be made out and recorded in the office of the recorder of St. Louis county.

4. That the said board shall cause the lots so laid out, or such portion of them as they may think proper, to be sold at public auction to the highest bidder.

5. That upon any sale so made the purchaser shall not pay the amount which he has bid for any lot, but shall pay on the purchase money an interest of five per cent. a year, as a yearly rent.

6. That at the end of fifty years from the day of such sale, and every fifty years thereafter, then each lot sold as aforesaid shall be assessed by the public assessor, and the purchaser shall then pay, as a yearly rent, five per cent. a year upon the value of the lot as aforesaid.

7. That, should the interest thus reserved remain unpaid for six months after the same shall have become due, the said board may, by resolution, to be entered of record on the minutes of their proceedings, annul the sale of the lot on which such interest shall have become due, and may again dispose of the same in the manner and under the conditions prescribed by this act.

8. That at the expiration of ten years from the day of sale of any lot, or at any time after the expiration of ten years from the day of sale of any lot, if the annual rent due thereon shall have been fully paid, the purchaser shall be entitled to receive a deed in fee simple for said lot, with special warranty only against the claim of the inhabitants of the city of St. Louis, and all persons claiming under them, upon his paying the amount which he has bid for said lot at the time of sale.

9. That upon all sales made as aforesaid, it shall be the duty of the said mayor and board to execute and deliver to each purchaser a deed for the lot purchased, which deed shall be executed in duplicate in the manner in which deeds are usually executed by said mayor and board, shall be signed and acknowledged by the purchaser, and shall contain all the conditions of sale specified in this act, and such other provisions as the said mayor and board may establish to secure the payment and collection of the annual interest to be reserved as aforesaid.

10. That if the purchaser of any lot shall neglect or refuse to execute the duplicate deed, as required by the preceding section, the board of aldermen may again sell such lot under the conditions and provisions of this act; and if it shall then not sell for as much as was bid therefor at the previous sale, the said board may recover the difference with costs, by action of debt, before any justice of the peace of the township in which the defendant may reside, in the name of the mayor, aldermen and citizens of the city of St. Louis, against the person neglecting or refusing as aforesaid.

11. That the mayor and board of aldermen are empowered to fix the time and place at which sales shall be made under the requirements of this act, to define the time and manner in which the annual interest to be paid the purchasers of lots shall be collected, by what officer it shall be collected, and the compensation that he shall receive for his services in collecting.

12. That before any sale shall be made under this act, it shall be the duty of the said board to cause a notice of the time, place and terms of the sale to be published at least four weeks successively, prior to the day of sale, in all the newspapers published in the city of St. Louis.

13. That the mayor and board of aldermen aforesaid are empowered to

settle or compromise, on the most advantageous terms, with all persons having claims within the common, conflicting with the claim of the inhabitants of the city of St. Louis. The mayor and board of aldermen are hereby empowered to grant in fee simple, without any warranty, to the county of St. Louis, out of said common, a tract of land not exceeding in quantity one hundred acres, to be used by the county court of said county for the establishment of a poor-house under the provisions of an act entitled "An act to provide for the erection of a house for the employment and support of the poor in the county of St. Louis," approved January the first, eighteen hundred and twenty-seven.

14. That the said mayor and board are hereby authorized to perform all such other acts as may be necessary to carry into full effect the provisions of this act, according to the true intent and meaning thereof.

15. This act shall be deemed and taken as a public statute, and may be read and used in all courts and places, as other public laws are, without proof.

Approved, March 18, 1835.

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## AN ACT

SUPPLEMENTARY AND AMENDATORY TO AN ACT ENTITLED "AN ACT TO AUTHORIZE THE SALE OF THE ST. LOUIS COMMONS."

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

1. That all persons, their heirs and assigns, who became purchasers of the St. Louis commons heretofore sold, in pursuance of an act of the General Assembly, approved March 18th, eighteen hundred and thirty-five, be, and they are hereby authorized, at any time, at their own election, to pay to the constituted authorities of the city of St. Louis the amount of their original purchase money, which they may have bid at the sale of said commons, together with the interest up to the date of payment, and receive a deed, as fully as if the time had expired for the receipt of the same, under the act to which this is supplementary and amendatory.

2. That the mayor and board of aldermen are hereby authorized and empowered, upon the tender of any purchaser, his heirs or assigns, of the amount of purchase money as above specified, for any lot or lots heretofore sold out of the St. Louis commons, to receive the same, and execute a deed or deeds to said purchaser, as fully as if the time specified in the act to which this is supplementary and amendatory had expired, and with the like warranty and covenants.

This act to take effect and be in force from and after the passage thereof.

Approved, January 18, 1837.

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## AN ACT

TO INCORPORATE THE CITY OF ST. LOUIS.

### ARTICLE I.

#### *Of Boundaries and General Powers.*

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

1. That all that district of country in the county of St. Louis, contained within the following limits, to-wit: Beginning at a point in the middle of the main channel of the Mississippi river, due east of the mouth of "Mill creek," so called; thence due west to the mouth of said creek; thence up the center of the main channel of said creek, to a point

where the southern side of Rutgers street, produced, shall intersect the same; thence westwardly, along the southern side of said street, to the intersection of the same with the western line of Seventh street, produced; thence northwardly, along the western line of Seventh street, to the northern line of Biddle street; thence eastwardly, with the northern line of Biddle street, to the western line of Broadway; thence northwardly, with the western line of Broadway, to a point where the southern boundary of survey number six hundred and seventy-one, produced, shall intersect the same; thence eastwardly, along the southern boundary of said survey, to the Mississippi river; thence due east to the middle of the main channel of the Mississippi river; thence down with the middle of the main channel of said river to the place of beginning, is hereby erected into a city, to be called "The City of St. Louis."

2. That the city shall be divided into four wards, the boundaries of which shall be those now fixed by the ordinances of the city of St. Louis, but such boundaries may be changed, and additional wards erected, as hereinafter provided.

3. That whenever any tract of land adjoining the city of St. Louis shall have been laid off as a town, or as an addition to or suburb of said city, and a petition shall be presented to the mayor and city council, by the owners of the greater part of such tract of land, praying that the same may be annexed to, and form a part of, the city of St. Louis, the mayor and city council shall cause polls to be opened at the next general election for city officers, and require the voters, at the time of voting for city officers, to vote for or against the admission into the city of the tract of land prayed to be annexed thereto; and if a majority of all those who voted at such election shall be in favor of such admission, such tract of land shall thenceforth become part and parcel of the city, to all intents and purposes, and the mayor and city council shall cause the fact of such admission to be certified under the seal of the city, and the certificate thereof to be filed in the register's office.

4. That the inhabitants of said city shall be and remain a body politic and corporate by the name and style of "The City of St. Louis," and by that name they and their successors shall be known in law, and shall have power—

*First*—To make and use a common seal.

*Second*—To sue and be sued, implead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatever.

*Third*—To purchase, receive and hold property, real and personal, within said city.

*Fourth*—To purchase, receive and hold property, real and personal, beyond the city, for burial grounds, for the erection and use of water-works, hospitals, almshouses, and workhouse, or for public grounds for the use of the inhabitants of the city.

*Fifth*—To sell, lease, convey or dispose of property, real and personal, for the benefit of the city.

*Sixth*—To improve and protect such property, and to do all other things in relation thereto, as natural persons.

## ARTICLE II.

### *Of the City Council.*

1. That there shall be a city council, to consist of a board of aldermen and a board of delegates.

2. That the board of delegates shall be composed of three members for each ward, to be chosen by the qualified voters of the several wards for one year.

3. That the board of aldermen shall consist of two members for each ward, to be chosen by the qualified voters for two years.

4. That no person shall be an alderman or delegate unless, at the time of his election, he be a citizen of the United States, a resident in the ward for which he is chosen, a *bona fide* owner in fee of a lot or a part of a lot of ground within the city, containing not less than two thousand square

feet, and shall have been an inhabitant of the city for two years next preceding his election, and be otherwise qualified.

5. That no person shall be an alderman unless he shall have attained the age of thirty years, nor a delegate unless he shall have arrived at the age of twenty-five years.

6. That if any alderman or delegate shall, after his election, remove from the ward for which he is chosen, or cease to possess the qualification of property required by this act, his office shall thereby be vacated.

7. That immediately after the board of aldermen shall be assembled, in consequence of the first election, the aldermen shall be divided into two classes. The seats of those of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year, so that one-half may be chosen every year.

8. That the board of aldermen shall elect one of their number to be president of the board, and the board of delegates shall elect one of their number to be chairman thereof.

9. That each board may appoint their clerks and such other officers, servants, and agents, as they shall, respectively, deem necessary in the transaction of their business.

10. That each board shall be the judge of the elections, returns, and qualifications of its own members, and shall determine contested elections.

11. That a majority of each board shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each board may prescribe.

12. That each board may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds of all the members elected, expel a member, but not a second time for the same offense.

13. That each board shall keep a journal of its proceedings, and from time to time publish the same, and the yeas and nays of the members on any question shall, at the desire of one-fourth of those present, be entered on the journal.

14. That neither board, during the session of the city council, shall, without the consent of the other, adjourn for a longer period than two days.

15. That no alderman or delegate shall, during the time for which he was elected, be appointed to any office under the authority of the city, which shall have been created, or the emoluments of which shall have been increased, during such time.

16. That no person holding any office under the authority of the United States or the State of Missouri, shall be an alderman or delegate.

17. That all vacancies that shall occur in either board shall be filled by election in such manner as shall be provided by ordinance.

18. That each alderman and delegate shall, before entering on the discharge of the duties of his office, take an oath that he will support the constitution of the United States and of this State; that he possesses in good faith the qualifications of age, citizenship, residence and property required by this act, and that he will faithfully demean himself in office.

19. Whenever there shall be a tie in the election of aldermen or delegates, the judges of elections shall certify the same to the mayor, who shall immediately thereupon issue his proclamation stating such fact, and ordering a new election.

20. There shall be four stated sessions of the city council in every year, the time and place of which shall be prescribed by ordinance.

### ARTICLE III.

#### *Of the Legislative Powers of the City Council and its Incidents.*

1. The city council shall have power within the city, by ordinance—

*First*—To levy and collect taxes, not exceeding one-half of one per centum upon all persons and property made taxable by law for State purposes.



*Second*—To borrow money on the credit of the city.

*Third*—To appropriate money and provide for the payment of the debt and expenses of the city.

*Fourth*—To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and enforce the same within ten miles of the city.

*Fifth*—To establish hospitals and make regulations for the government thereof.

*Sixth*—To make regulations to secure the general health of the inhabitants, and to prevent and remove nuisances.

*Seventh*—To provide the city with water, and to erect hydrants and pumps in the streets, for the convenience of the inhabitants.

*Eighth*—To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve and keep in repair, streets, avenues, lanes and alleys.

*Ninth*—To establish, erect and keep in repair bridges.

*Tenth*—To divide the city into wards, alter the boundaries thereof, and erect additional wards, as the occasion may require.

*Eleventh*—To provide for lighting the streets and erecting lamps therein.

*Twelfth*—To establish, support and regulate night watches and patrols.

*Thirteenth*—To erect market-houses, establish markets, and market places, and provide for the government and regulation thereof.

*Fourteenth*—To provide for the erection of all needful buildings for the use of the city.

*Fifteenth*—To provide for inclosing, improving and regulating all public grounds belonging to the city.

*Sixteenth*—To improve and preserve the navigation of the Mississippi river within the city.

*Seventeenth*—To erect, repair and regulate public wharves and docks; to regulate the erection and repair of private wharves and the rates of wharfage thereat.

*Eighteenth*—To regulate the stationing, anchorage and mooring of vessels within the city.

*Nineteenth*—To license, tax, and regulate auctioneers, merchants, retailers, grocers, taverns, ordinaries, hawkers, peddlers, brokers, pawn-brokers and money changers.

*Twentieth*—To license, tax and regulate hackney carriages, wagons, carts, and drays, and fix the rates to be charged for the carriage of persons, and of the wagonage, cartage and drayage.

*Twenty-first*—To license and regulate porters, and to fix the rates of portage.

*Twenty-second*—To license, tax and regulate theatrical and other exhibitions, shows and amusements.

*Twenty-third*—To tax, restrain, prohibit and suppress tippling-houses, dram-shops, gaming and gaming-houses, and bawdy and other disorderly houses.

*Twenty-fourth*—To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.

*Twenty-fifth*—To regulate, restrain and prohibit the erection of wooden buildings in any part of the city.

*Twenty-sixth*—To regulate the cleaning of chimneys, and fix the fees therefor.

*Twenty-seventh*—To regulate the storage of gunpowder, tar, pitch, resin, hemp, cotton and other combustible materials.

*Twenty-eighth*—To regulate and order partition and parapet walls and partition fences.

*Twenty-ninth*—To establish standard weights and measures, and regulate the weights and measures to be used in the city, in all cases not otherwise provided for by law.

*Thirtieth*—To provide for the inspection and measuring of lumber, and other building materials, and for the measurement of all kinds of mechanical work.

*Thirty-first*—To provide for the inspection and weighing of hay, stone-coal, the measuring of charcoal, firewood and other fuel to be sold or used within the city.

*Thirty-second*—To provide for and regulate the inspection of tobacco, and of beef, pork, flour, meal, and whisky, in barrels.

*Thirty-third*—To regulate the inspection of butter, lard, and other provisions.

*Thirty-fourth*—To regulate the weight, quantity and price of bread to be sold and used in the city.

*Thirty-fifth*—To regulate the size of bricks to be made or used in the city.

*Thirty-sixth*—To provide for the taking enumerations of the inhabitants of the city.

*Thirty-seventh*—To regulate the election of city officers, and to provide for removing from office any person holding an office created by ordinance.

*Thirty-eighth*—To provide for the appointment of all officers, servants and agents of the corporation, not otherwise provided for.

*Thirty-ninth*—To fix the compensation of all city officers, and regulate the fees of jurors, witnesses and others, for services rendered under this act or any ordinance.

*Fortieth*—To regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinance, and provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties.

*Forty-first*—To erect a workhouse and house of correction, and provide for the regulation and government thereof.

2. The city council shall have the exclusive power, within the city, by ordinance, to license, regulate and restrain the keeping of ferries, and to license, regulate, restrain or suppress billiard tables.

3. The city council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in the two preceding sections, and all other powers vested by this act in the corporation, the city government, or any department or officer thereof, so that such ordinance be not repugnant to, nor inconsistent with, the constitution and laws of the United States or this State, or any provision in this act contained.

4. Every bill which shall have been passed by both branches of the city council, shall, before it becomes a law, be presented to the mayor for his approbation. If he approve, he shall sign it; if not, he shall return it with his objections to the board in which it originated, which objections shall be entered at large on the journal, and the bill be reconsidered.

5. If, after such reconsideration, a majority of all the members elected to the board in which the bill originated shall agree to pass the same, it shall be sent, together with the objections of the mayor, to the other branch of the city council, by which it shall, in like manner, be reconsidered; and if passed by a majority of all the members elected to that branch, it shall become a law.

6. In all such cases the votes of both branches shall be taken by yeas and nays, and entered on the journals of each branch, respectively.

7. If any bill shall not be returned by the mayor within five days, (excepting Sundays,) after it shall have been presented to him for his approbation, the same shall become a law, in the same manner as if he had approved and signed it.

8. Every resolution to which the concurrence of both branches of the city council shall be necessary, (except in cases of adjournment,) shall be presented to the mayor, and, before the same shall take effect, shall be proceeded upon in the same manner as in case of a bill.

9. The style of the ordinances of the city shall be, "Be it ordained by the city council of the city of St. Louis."

10. All ordinances passed by the city council shall, within one month after they have been passed, be published in some newspaper published in the city.

11. All ordinances of the city may be proven by the seal of the corporation, and when printed and published in book form, and purporting to be so printed and published by authority of the corporation, the same shall be received in evidence in all courts and places, without further proof.

## ARTICLE IV.

*Of Executive and Municipal Officers.*

1. The chief executive officer of the city shall be the mayor, who shall be elected by the qualified voters of the city, and who shall hold his office for the term of one year, and until his successor is duly elected and qualified.

2. The mayor shall be at least thirty years of age, a citizen of the United States, a resident of the city for at least four years next preceding his election, and shall be the *bona fide* owner in fee of a lot or part of a lot of ground within the city, containing not less than two thousand square feet.

3. No person shall be mayor, who, at the time of his election, shall hold any office under the authority of the United States, or of this State.

4. If the mayor, during his continuance in office, shall receive any office under the authority of the United States, or of this State, or shall cease to own a freehold, as provided in the second section of this article, his office of mayor shall thereby immediately become vacated.

5. When two or more persons shall have an equal number of votes for the office of mayor, the two branches of the city council shall decide the election by joint vote.

6. Whenever any election for mayor shall be contested, the two branches of the city council shall determine the same by joint vote.

7. Whenever any vacancy shall happen in the office of mayor, it shall be filled by election, in such manner as shall be provided by ordinance.

8. The mayor may be removed from office for any misdemeanor in office, by a joint vote of both branches of the city council.

9. The mayor shall have power to nominate, and, by and with the concurrence of the board of aldermen, to appoint all city officers not ordered by law or ordinance to be otherwise appointed; he shall take care that the laws of the State and the ordinances of the city are duly enforced, respected and observed within the city; he may remit fines, forfeitures and penalties, accruing from, or imposed for, the violation of any ordinance of the city; he may fill all vacancies which may occur in any office other than that of alderman or delegate, until the end of the session of the board of aldermen which shall next happen after the vacancy shall have occurred; he shall, from time to time, give to the city council information relative to the state of the city, and shall recommend to their consideration such measures as he shall deem expedient for the advantage of the city.

10. The mayor may call special sessions of the city council, by proclamation.

11. Whenever a special session of the city council shall have been called by the mayor, he shall state to them, when assembled, the cause for which they have been convened.

12. Whenever the mayor shall absent himself from the city, or a vacancy shall happen in the office of mayor, the president of the board of aldermen shall, for the time being, exercise the duties and receive the like compensation of mayor, or until such vacancy be filled, or the mayor return.

13. There shall be a city register, whose duty it shall be to keep a record of all the official acts of the mayor, and, when necessary, to attest them; he shall keep and preserve in his office the seal of the city, and all records, public papers and documents belonging to the city; and he shall perform all such other and further duties as may be prescribed by ordinance.

14. There shall be a city auditor, whose duty it shall be to prescribe the mode of keeping, stating and rendering all city accounts; to examine, settle and adjust all accounts (unless otherwise provided for by ordinance) between the city and any person or body politic or corporate, and generally to perform such other duties as may be prescribed by ordinance.

15. There shall be a city treasurer, whose duty it shall be to receive and keep the moneys of the city, and to pay out the same upon warrants

drawn by the auditor; and the city treasurer shall perform such other and further duties as may be enjoined on him by ordinance.

16. There shall be a city marshal, who shall, within the city, in matters of a criminal nature, arising under any law of the State, possess the same powers, perform the same duties, and receive the same compensation as either constable of St. Louis township; he shall execute and return all process issued by the mayor, any alderman, or justice of the peace, under this act, or any ordinance of the city, and he shall perform such other duties as shall be enjoined on him by ordinance.

17. There shall be a city engineer, whose duty it shall be to superintend the construction of all public works of the city, to make out plans and estimates, and to contract for the execution of the same; to superintend and manage the waterworks of the city, and to perform all such surveying and engineering, and such other duties as may be required of him by ordinance.

18. The register, auditor, treasurer, and engineer, shall be appointed by the mayor, by and with the advice and consent of the board of aldermen; and the city marshal shall be chosen and appointed in such manner as may be provided by ordinance.

19. The register, auditor, treasurer, marshal, and engineer, shall, each, before entering on the discharge of the duties of his office, give bond to the mayor, for the use of the city, conditioned for the faithful discharge of the duties of his office, and the amount of such bond shall be designated by the mayor, and the security therein shall be such as he will approve.

20. The mayor, register, auditor, treasurer, marshal, and engineer, and each officer of the corporation, before entering upon the discharge of the duties of his office, shall take and subscribe an oath or affirmation, before some judge or justice of the peace, that he will support the Constitution of the United States and of this State, and that he will faithfully demean himself in office.

21. The register, auditor, treasurer, marshal and engineer, shall, each, hold his office for the term of one year, and until his successor shall be duly appointed and qualified, but may be sooner removed from office for any misdemeanor, by joint vote of both branches of the city council; and every officer appointed by the corporation may be removed from office for like cause and in like manner.

22. The mayor, and all other officers of the corporation, shall, during their continuance in office, reside within the limits of the city; and if the mayor, or any officer of the corporation, shall cease to reside within the limits of the city, his office shall thereby immediately become vacated.

## ARTICLE V.

### *Of Elections.*

1. A general election for all officers of the corporation required to be elected by this act, or any ordinance of the city, shall be held on the first Monday of April in each year.

2. At all elections for city officers, the voters shall vote by ballot, and each voter shall write, or cause to be written, his name on the ballot by him thus given.

3. All free white male persons, who have attained to the age of twenty-one years, who have resided within the city for twelve months next preceding the election, and who have paid a city tax within a year next preceding such election, shall be entitled to vote at elections for city officers.

4. Nothing shall be deemed a city tax within the meaning of the last preceding section, except such tax as shall be levied by ordinance, by virtue of the first or nineteenth subdivisions of the first section of the third article of this act.

5. All free white male inhabitants of this State, who have attained the age of twenty-one years, who shall own any freehold estate within the city, and shall have paid a tax thereon, shall be entitled to vote at elections for city officers.



[The voters mentioned in the preceding section shall give their votes for aldermen and delegates in the ward in which their freehold is situated; and, if they own freeholds in different wards, they shall only be entitled to vote for aldermen and delegates in one ward in which they own a freehold.]

7. Persons who are not qualified to vote at State elections shall not vote at city elections.

## ARTICLE VI.

### *Of Proceedings in Special Cases.*

1. When it shall be necessary to take private property for opening, widening or altering any public street, lane or avenue, the corporation shall make a just compensation therefor to the person whose property is so taken, and if the amount of such compensation cannot be agreed on, the mayor shall cause the same to be ascertained by a jury of disinterested freeholders of the city.

2. In opening, widening, or altering alleys through the blocks or squares of the city, the same proceedings shall be had as in the case of opening, widening or altering public streets, lanes or avenues, with this addition, that the jury shall ascertain the amount of benefit that will accrue to the person whose property is taken, or to those who may have petitioned for the opening, widening or altering of such alley.

3. When the owners of all the property on a street, lane, avenue or alley proposed to be opened, widened or altered, shall petition therefor, the mayor and city council may open, widen or alter such street, lane, avenue or alley, nor shall there be any assessment of benefits or damages that may accrue thereby to any of the petitioners.

4. All jurors impaneled to inquire into the amount of benefits or damages which shall happen to the owner of property proposed to be taken, for opening, widening or altering any street, lane, avenue or alley, shall first be sworn to that effect, and shall return to the mayor their inquest in writing, and signed by each juror.

5. The mayor shall have power, for good cause shown, within ten days after any inquest shall have been returned to him, as mentioned in the preceding section, to set aside, and cause a new inquest to be made.

6. The mayor and city council shall have power, by ordinance, to enforce the payment of all sums which a jury shall declare to be the amount accruing to the owners of the property, upon any alley which shall be opened, widened, or altered, if the owner be one of the petitioners for the opening, widening or altering such alley.

7. The mayor and city council shall have power, by ordinance, to levy and collect a special tax on the holders of the lots on any street, lane, avenue or alley, according to the respective fronts owned by them, for the purpose of paving, grading, or lighting such street, lane, avenue or alley.

8. The mayor and city council shall have power, by ordinance, to direct the manner in which any property, real or personal, advertised for sale, or sold for taxes by authority of the corporation, may be redeemed.

9. The net amount of moneys accruing from the licensing of ferries and billiard tables, and all fines and forfeitures accruing to the city for violations of ordinances concerning ferries and billiard tables, and the prevention or suppression of gaming, shall be appropriated and applied to the support of such hospital as now is, or may hereafter be, established in or near the city, in such manner as the mayor and city council may, from time to time, direct.

10. The city council shall cause to be published, annually, a full and complete statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended.

## ARTICLE VII.

*Of Miscellaneous Provisions.*

1. The mayor, aldermen and delegates shall be conservators of the peace throughout the city, and shall have therein all the powers and jurisdiction now vested in justices of the peace, in matters of a criminal nature, and shall exercise all powers and perform all duties which may be invested in, and required of them by ordinance.

2. The mayor and each justice of the peace within the city shall have jurisdiction of all cases arising under the ordinances of the city, subject, however, to an appeal, in all cases, to the circuit court of St. Louis county; and every such appeal shall be taken and granted in the same manner, and with like effect, as appeals are taken from, and granted by, justices of the peace to the circuit court under the general law of the land.

3. The inhabitants of the city of St. Louis are hereby exempted from working on any road beyond the limits of the city, and from paying any tax to procure laborers to work upon the same.

4. All ordinances and resolutions passed by the board of aldermen, or the mayor and board of aldermen of the city of St. Louis, shall remain in force until the same shall be repealed by the corporation hereby created.

5. All suits, actions and prosecutions instituted, commenced or brought, by the corporation hereby created, shall be instituted, commenced and prosecuted in the name of "The City of St. Louis."

6. All actions, fines, penalties and forfeitures, which have accrued to the "Mayor, Aldermen and citizens of St. Louis," shall be vested in, and prosecuted for, by the corporation hereby created.

7. All property, real and personal, heretofore belonging to the inhabitants of the town of St. Louis, or the trustees of said town in their corporate capacity, or to the "Mayor, Aldermen and citizens of the City of St. Louis," shall be, and the same is hereby declared to be, vested in the corporation hereby created.

8. This charter shall not invalidate any act done by the "Mayor, Aldermen and citizens of the City of St. Louis," nor divest them of any right which may have accrued to them prior to the passage of this act.

9. The General Assembly may, at any time, alter, amend or repeal this charter.

10. All acts or parts of acts coming within the purview of this charter, or contrary to, or inconsistent with, its provisions, are hereby repealed.

11. The mayor of the city of St. Louis shall, immediately after the passage of this act, take measures to promulgate this law within the limits of the city of St. Louis, and shall issue his proclamation, and cause the same to be published in all the newspapers of said city, for four weeks successively prior to the day of election, requiring an election for city officers, in pursuance of this charter, to be held on the first Monday of April, eighteen hundred and thirty-nine, and said election shall be conducted in the same manner, and at the same time and places as now are provided for by the ordinances of said city regulating elections.

12 This act is declared to be a public act, and may be read in evidence in all courts of law and equity in this State, without proof.

13. This act shall take effect and be in force from and after the first day of April, in the year of our Lord one thousand eight hundred and thirty-nine, excepting the eleventh section of this article, which shall take effect and be in force from and after the passage thereof.

Approved, February 8, 1839.

## AN ACT

TO AMEND "AN ACT TO INCORPORATE THE CITY OF ST. LOUIS," APPROVED  
FEBRUARY 8, 1839.

## ARTICLE I.

*Of Boundaries, General Powers, and formation of Wards.*

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

1. That all that district of country contained within the following limits, to wit: Beginning at a point in the middle of the main channel of the Mississippi river, due east to the southeast corner of St. George, in St. Louis county; thence due west, to the west line of second Carondelet avenue; thence north, with the west line of said avenue, to the north line of Chouteau avenue; thence northwardly, in a direct line to the mouth of Stony creek, above the present north line of the city of St. Louis; thence due east to the middle of the main channel of the Mississippi river; thence southwardly, with the middle of the main channel of the Mississippi river, to the place of beginning, is hereby erected into a city, by the name of "The City of St. Louis."

2. That the inhabitants of the city of St. Louis, as the same extends and is laid out above, be, and they and their successors forever are, hereby constituted a corporation and body politic, in fact, and in law, by the name and style of "The City of St. Louis," and by the same name shall have perpetual succession, shall sue and be sued, implead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatsoever; may purchase, receive and hold property, real and personal, within said city, and may sell, lease or dispose of the same for the benefit of the city; and may purchase, receive and hold property, real and personal, beyond the limits of the city, to be used for the burial of the dead of the city; also for the erection of waterworks to supply the city with water, and also for the establishment of a hospital for the reception of persons infected with contagious diseases; also for a poorhouse, workhouse, or house of correction; and may sell, lease or dispose of such property for the benefit of the city, and may do all other acts as natural persons; they shall have and use one common seal, and may break, change, alter and make a new seal at pleasure.

3. That the city shall be divided into five wards, as follows:

The *First Ward* shall extend from the southern boundary of the city, as established by this act, to the southern boundary of the city, as established by an act entitled "An act to incorporate the city of St. Louis," approved February the eighth, A. D. 1839.

The *Second Ward* shall include that district of country now established by ordinance as the First Ward, together with the district of country lying between its northern and southern lines, extended to the western boundary of the city.

The *Third Ward* shall include that district of country now established by ordinance as the Second Ward, together with the district of country between its northern and southern lines, extended to the western boundary of the city.

The *Fourth Ward* shall include that district of country now established by ordinance as the Third Ward, together with the district of country between its northern and southern lines, extended to the western boundary of the city.

The *Fifth Ward* shall include that district of country now established by ordinance as the Fourth Ward, together with the district of country lying to the northwest of the same within the limits of the city.

## ARTICLE II.

*Of the Common Council.*

1. That there shall be a city council, to consist of a board of aldermen and a board of delegates.

2. That the board of delegates shall be composed of three members for each ward, to be chosen by the qualified voters of the several wards for one year.

3. That the board of aldermen shall consist of two members for each ward, to be chosen by the qualified voters for two years.

4. That no person shall be an alderman or delegate unless he be a citizen of the State of Missouri, and shall have resided within the city limits one year next preceding his election, and a *bona fide* resident of the ward for which he is elected.

5. That if any alderman or delegate shall, after his election, remove from the ward for which he was chosen, his office shall be thereby vacated.

6. That immediately after the board of aldermen shall be assembled, in consequence of the first election, the aldermen shall be divided into two classes. The seats of those of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year, so that one-half may be chosen every year.

7. That the board of aldermen shall elect one of their number to be president of the board, and the board of delegates shall elect one of their number to be chairman thereof.

8. That each board may appoint their clerks, and such other officers and servants, and agents, as they shall, respectively, deem necessary in the transaction of their business.

9. That each board shall be the judge of the elections, returns and qualifications of its own members, and shall determine contested elections.

10. That a majority of each board shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each may prescribe.

11. That each board may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds of all the members elected, expel a member, but not a second time for the same offense.

12. That each board shall keep a journal of its proceedings, and from time to time publish the same, and the yeas and nays of the members on any question shall, at the desire of any two of those present, be entered on the journal.

13. That neither board, during the session of the city council, shall, without the consent of the other, adjourn for a longer period than two days.

14. That no alderman or delegate shall, during the time for which he was elected, be appointed to any office under the city.

15. That all vacancies that shall occur, in either board, shall be filled by election, in such manner as shall be provided by ordinance.

16. That each alderman and delegate shall, before entering on the duties of his office, take an oath that he will support the constitution of the United States and of this State, and that he will faithfully demean himself in office.

17. That whenever there shall be a tie in the election of aldermen or delegates, the judges of elections shall certify the same to the mayor, who shall immediately thereupon issue his proclamation, stating such facts, and order a new election.

18. That there shall be four stated sessions of the city council every year, the time and place of which shall be prescribed by ordinance.

### ARTICLE III.

#### *Of the Legislative Power of the City Council and its Incidents.*

1. That the city council shall have power, within the city, by ordinance—

*First*—To levy and collect taxes, not exceeding one-half of one per centum, upon all persons and property made taxable by law for State purposes.

*Second*—To borrow money on the credit of the city.



*Third*—To appropriate money and to provide for the payment of the debt and expenses of the city.

*Fourth*—To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and enforce the same within ten miles of the city.

*Fifth*—To establish hospitals and make regulations for the government thereof.

*Sixth*—To make regulations to secure the general health of the inhabitants, and to prevent and remove nuisances.

*Seventh*—To provide the city with water, and to erect hydrants and pumps in the streets, within or beyond the boundaries of the city, for the convenience of the inhabitants of the city and environs.

*Eighth*—To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve and keep in repair, streets, avenues, lanes and alleys.

*Ninth*—To establish, erect and keep in repair bridges, culverts and sewers.

*Tenth*—To provide for lighting the streets and erecting lamps thereon.

*Eleventh*—To establish, support and regulate night watch and patrols.

*Twelfth*—To erect market-houses, establish markets and market places, and provide for the government and regulations thereof.

*Thirteenth*—To provide for the erection of all needful buildings for the use of the city.

*Fourteenth*—To provide for inclosing, improving and regulating all public grounds belonging to the city.

*Fifteenth*—To improve and preserve the navigation of the Mississippi river within the city.

*Sixteenth*—To erect, repair and regulate public wharves and docks, to regulate the erection and repair of private wharves and the rate of wharfage thereat.

*Seventeenth*—To regulate the stationing, anchorage and mooring of vessels within the city.

*Eighteenth*—To license, tax and regulate auctioneers, grocers, merchants, retailers and taverns, and to regulate and suppress ordinaries, hawkers, peddlers, brokers, pawnbrokers and money changers.

*Nineteenth*—To license, tax and regulate hackney carriages, omnibuses, wagons, carts and drays, and fix the rates to be charged for the carriage of persons, and of wagonage, cartage and drayage of property.

*Twentieth*—To license and regulate porters, and fix the rate of portorage.

*Twenty-first*—To license, tax and regulate theatrical and other exhibitions, shows and amusements.

*Twenty-second*—To tax, restrain, prohibit and suppress tippling-houses, dram-shops, gaming and gambling-houses, and other disorderly houses, and to suppress bawdy houses.

*Twenty-third*—To provide for the prevention and extinguishment of fires, and to organize and to establish fire companies; also, to regulate, restrain and prohibit the erection of wooden buildings in any part of the city.

*Twenty-fourth*—To regulate the cleaning of chimneys, and to fix the fees thereof.

*Twenty-fifth*—To regulate the storage of gunpowder, tar, pitch, resin, hemp, cotton, and all other combustible materials.

*Twenty-sixth*—To regulate and order partition and parapet walls and partition fences.

*Twenty-seventh*—To establish standard weights and measures, and regulate the weights and measures to be used in the city, in all cases not otherwise provided by law.

*Twenty-eighth*—To provide for the inspection and measuring of lumber, and other building materials, and for the measurement of all kinds of mechanical work.

*Twenty-ninth*—To provide for the inspection and weighing of hay and stone coal, the measuring of charcoal, firewood, and all other fuel to be used in the city.

*Thirtieth*—To provide for and regulate the inspection of tobacco, and of beef, pork, flour, meal and whisky, in barrels, hogsheads and other vessels.

*Thirty-first*—To regulate the inspection of butter, lard and all other provisions.

*Thirty-second*—To regulate the weight, quality and price of bread to be sold and used in the city.

*Thirty-third*—To regulate the size of bricks made or used in the city.

*Thirty-fourth*—To provide for the taking and enumeration of the inhabitants of the city.

*Thirty-fifth*—To regulate the election of city officers, and provide for removing from office any person holding an office created by ordinance.

*Thirty-sixth*—To provide for the appointment of all officers, servants and agents of the corporation, not otherwise provided for.

*Thirty-seventh*—To fix the compensation of all city officers, and regulate the fees of all jurors, witnesses and others, for services rendered under this act or any ordinance.

*Thirty-eighth*—To regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinance, and provide for the recovery and appropriating of such fines and forfeitures, and the enforcement of such penalties.

*Thirty-ninth*—To erect a workhouse and house of correction, and provide for the regulation and government thereof.

2. The city council shall have the exclusive power, within the city, by ordinance, to license, regulate and restrain the keeping of ferries, and to license, regulate, restrain or suppress billiard tables.

3. The city council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in the two preceding sections, and all other powers vested by this act in the corporation, the city government, or any department or officer thereof, so that such ordinance be not repugnant to, nor inconsistent with, the constitution or laws of the United States or of this State, or any provision in this act contained.

4. Every bill which shall have been passed by both branches of the city council, shall, before it becomes a law, be presented to the mayor for his approbation. If he approve, he shall sign it; if not, he shall return it, with his objections, to the board in which it originated, which objections shall be entered at large on the journal, and the bill reconsidered.

5. If, after such reconsideration, a majority of all the members elected to the board in which the bill originated shall agree to pass the same, it shall be sent, together with the objections of the mayor, to the other branch of the city council, by which it shall, in like manner, be reconsidered, and if passed by a majority of all the members elected to that branch, it shall become a law.

6. In all such cases the votes of both branches shall be taken by yeas and nays, and entered on the journal of each branch respectively.

7. If any bill shall not be returned by the mayor in five days (Sundays excepted) after it shall be presented to him for his approbation, the same shall become a law, in the same manner as if he had approved and signed it.

8. Every resolution to which the concurrence of both branches of the city council shall be necessary, (except in cases of adjournment,) shall be presented to the mayor, and, before the same shall take effect, shall be proceeded upon in the same manner as in case of a bill.

9. The style of the ordinances of the city shall be: "Be it ordained by the city council of the city of St. Louis."

10. All ordinances passed by the city council shall, within one month after they shall have been passed, be published in some newspaper published in the city.

11. All ordinances of the city may be proven by the seal of the corporation, and, when printed and published by authority of the corporation, the same shall be received in evidence in all courts and places, without further proof.

## ARTICLE IV.

*Of Executive and Ministerial Officers.*

1. The chief executive officer of the city shall be the mayor, who shall be elected by the qualified voters of the city, and who shall hold his office for the term of one year, and until his successor is duly elected and qualified.

2. No person shall be mayor, who, at the time of his election, is not possessed of the qualifications required for an alderman or delegate, or who holds any office under the authority of the United States.

3. When two or more persons shall have an equal number of votes for the office of mayor, the two branches of the city council shall decide the election by joint vote.

4. Whenever an election for mayor shall be contested, the two branches of the city council shall determine the same by joint vote.

5. Whenever any vacancy shall happen in the office of mayor, it shall be filled by election in such manner as shall be provided by ordinance.

6. The mayor may be removed from office for any misdemeanor, by a majority of two-thirds, on joint vote of both branches of the city council.

7. The mayor shall have power to nominate, and, by and with the concurrence of the board of aldermen, to appoint all city officers, not ordered by law or ordinance to be otherwise appointed; he shall take care that the laws of the State and the ordinances of the city are duly enforced, respected and observed within the city; he may remit fines, forfeitures and penalties accruing from, or imposed for, the violation of any ordinance of the city; he may fill all vacancies which may occur in any office other than that of aldermen, delegates, register, auditor, city marshal and city attorney, until the end of the session of the board of aldermen which shall next happen after the vacancy shall have occurred; he shall, from time to time, give to the city council information relative to the state of the city, and shall recommend to their consideration such measures as he shall deem expedient for the advantage of the city.

8. The mayor may call special sessions of the city council by proclamation.

9. Whenever a special session of the city council shall have been called by the mayor he shall state to them, when assembled, the cause for which they have been convened.

10. Whenever the mayor shall absent himself from the city, or a vacancy shall happen in the office of mayor, the president of the board of aldermen shall, for the time being, exercise the duties and receive the like compensation of the mayor, until such vacancy be filled, or the mayor return.

11. There shall be a city register, whose duty it shall be to keep a record of all the official acts of the mayor, and, when necessary, to attest them; he shall keep and preserve in his office the seal of the city, and all records, public papers, and documents belonging to the city; and he shall perform such other and further duties as may be prescribed by ordinance.

12. There shall be a city auditor, whose duty it shall be to prescribe the mode of keeping, stating and rendering all city accounts (unless otherwise provided for by ordinance) between the city and any person or body politic or corporate, and generally to perform such other duties as may be prescribed by ordinance.

13. There shall be a city treasurer, whose duty it shall be to receive and keep the money of the city, and to pay out the same upon warrants drawn by the auditor; and the city treasurer shall perform such other and further duties as may be enjoined on him by ordinance.

14. There shall be a city marshal, who shall, within the city, in matters of a criminal nature, arising under any law of the State, possess the same powers, perform the same duties, and receive the same compensation as either constable of St. Louis township; he shall execute and return all process issued by the recorder, any alderman, or justice of

the peace, under this act, or any ordinance of the city, and he shall perform such other duties as shall be enjoined on him by ordinance.

15. There shall be a city engineer, whose duty it shall be to superintend the construction of all public works of the city, and to make out plans and estimates, and to contract for the execution of the same; and to perform all such surveying and engineering, and such other duties, as may be required of him by ordinance.

16. The register, auditor and city marshal shall be elected at the same time, and in the same manner, as mayor, aldermen and delegates.

17. Whenever there shall be a tie in the election of city officers, the judges of election shall certify the same to the mayor, who shall issue his proclamation immediately thereupon, stating such fact, and ordering a new election.

18. The register, auditor, treasurer city marshal and engineer, shall, each, before entering on the discharge of the duties of his office, give bond to the mayor, conditioned for the faithful discharge of the duties of his office, and the amount of such bond shall be designated by the mayor, and the security shall be such as he will approve.

19. The mayor, register, auditor, recorder, treasurer, city marshal and engineer, and each officer of the corporation, before entering upon the discharge of the duties of his office, shall take and subscribe an oath or affirmation, before some judge or justice of the peace, that he will support the constitution of the United States and of this State, and that he will faithfully demean himself in office.

20. The register, auditor, recorder, treasurer, city marshal, city attorney and engineer, shall, each, hold his office for the term of one year, and until his successor shall be duly elected and qualified; but may be sooner removed from office for any misdemeanor, or for incapacity, by the city council, on joint vote, a majority of all the members elected concurring therein; and also, for like causes and in like manner, all officers and servants appointed by ordinance.

21. The mayor and all other officers of the corporation shall, during their continuance in office, reside within the limits of the city; and if the mayor, or any officer of the corporation, shall cease to reside within the limits of the city, his office shall immediately become vacated.

22. There shall be a recorder, who shall have jurisdiction throughout the corporate limits of the city, and shall be a conservator of the peace, and shall have all the powers and jurisdiction now vested in justices of the peace; and who shall receive the same fees for like services. The recorder shall be elected at the same time and in the same manner as the mayor, aldermen, and delegates, and shall hold his office for the space of two years, and until his successor is duly elected and qualified.

## ARTICLE V.

### *Of Elections.*

1. A general election for all the officers of the corporation, required to be elected by this act, or any ordinance of the city, shall be holden on the first Monday of April in each year.

2. At all elections for city officers the voters shall vote by ballot.

3. All persons qualified as electors under the tenth section of the third article of the constitution of the State of Missouri, who shall have resided six months within the city, and one month within the ward where they offer to vote, next preceding the election, shall be deemed qualified voters at all elections for city officers.

4. Voters shall give their votes for city officers only in the wards in which they reside.

5. Whenever any vacancy shall occur in the office of alderman, delegate, register, auditor, city attorney, recorder, or city marshal, it shall be the duty of the mayor to issue his proclamation ordering an election to fill such vacancy.



## ARTICLE VI.

*Of Proceedings in Special Cases.*

1. When it is necessary to take private property for opening, widening or altering any public street, lane or avenue, the corporation shall make a just compensation therefor to the person whose property is so taken; and if the amount of such compensation can not be agreed upon, the mayor shall cause the same to be ascertained by a jury of disinterested freeholders of the city.

2. In opening, altering or widening alleys through the blocks or squares of the city, the same proceeding shall be had as in the case of opening, widening or altering public streets, lanes or avenues, with this addition, that the jury will ascertain the amount of benefit that shall accrue to the person whose property is taken, or those who may have petitioned for the opening, widening or altering of such alley.

3. When two-thirds of the owners of all the property on a street, lane, avenue or alley, proposed to be opened, widened or altered, shall petition therefor, the mayor and city council may open, widen or alter such street, lane, avenue or alley, upon conditions to be prescribed by ordinance; but no compensation shall, in such case, be made to those whose property shall be taken for the opening, widening or altering such street, lane, avenue or alley, who have petitioned for the same; nor shall there be any assessment of benefits or damages that may accrue thereby to any of the petitioners.

4. All jurors impaneled to inquire into the amount of benefits or damages which shall happen to the owner of property proposed to be taken, for opening, widening or altering any street, lane, avenue or alley, shall first be sworn to that effect, and shall return to the mayor their inquest, in writing, and signed by each juror.

5. The mayor shall have power, for good cause shown, within ten days after any inquest shall have been returned to him, as mentioned in the preceding section, to set the same aside, and cause a new inquest to be made.

6. The mayor and city council shall have power, by ordinance, to enforce the payment of all sums which a jury shall declare to be the amount of benefits accruing to the owners of property, upon any alley which shall be opened, widened or altered, if the owner be one of the petitioners for the opening, widening or altering such alley.

7. The mayor and city council shall have power, by ordinance, to levy and collect a special tax on the holders of the lots on any street, lane, avenue or alley, or part of any street, lane, avenue or alley, according to the respective fronts owned by them, for the purpose of paying or grading such street, lane, avenue or alley.

8. The mayor and city council shall have power, by ordinance, to direct the manner in which any property, real or personal, advertised for sale, or sold for taxes by authority of the corporation, may be redeemed.

9. The net amount of moneys accruing from the licensing of ferries and billiard tables, and all fines and forfeitures accruing to the city for violations of ordinances concerning ferries and billiard tables, and the prevention or suppression of gaming, shall be appropriated and applied in such manner as the mayor and city council may, from time to time, direct.

10. The city council shall cause to be published, annually, a full and complete statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended.

## ARTICLE VII.

*Miscellaneous Provisions.*

1. The recorder aldermen, and delegates shall be conservators of the peace, throughout the city, and shall have therein all the powers and jurisdiction now vested in justices of the peace, in matters of a criminal

nature, and shall exercise all powers and perform all duties which may be invested in, and required of them, by ordinance.

2. The recorder, and each justice of the peace, within the city, shall have jurisdiction of all cases arising under the ordinances of the city, subject, however, to an appeal, in all cases, to the circuit court of St. Louis county; and every such appeal shall be taken and granted by justices of the peace to the circuit court, under the general law of the land.

3. The inhabitants of St. Louis are hereby exempted from working on any road beyond the limits of the city, and from paying any tax to procure laborers to work upon the same.

4. All ordinances and resolutions passed by the city council of the city of St. Louis shall remain in force until the same shall be repealed by the corporation hereby created.

5. All suits, actions and prosecutions, instituted, commenced, or brought by the corporation hereby created, shall be instituted, commenced and prosecuted in the name of "The City of St. Louis."

6. All actions, fines, penalties and forfeitures, which have accrued to the city council of St. Louis, shall be vested in, and prosecuted for, by the corporation hereby created.

7. All property, real and personal, heretofore belonging to the inhabitants of the town of St. Louis, or the trustees of said town, in their corporate capacity, or to the "Mayor, Aldermen, and citizens of the city of St. Louis," or to the city council of the city of St. Louis, shall be, and the same is hereby declared to be, vested in the corporation hereby created.

8. This charter shall not invalidate any act done by the "Mayor, Aldermen and citizens of the city of St. Louis," or the city council of the city of St. Louis, nor divest them of any right which may have accrued to them prior to the passage of this act.

9. The General Assembly may, at any time, alter, amend, or repeal this charter.

10. All acts or parts of acts coming within the purview of this charter, or contrary to, or inconsistent with, its provisions, are hereby repealed.

11. The mayor of the city of St. Louis shall, immediately after the passage of this act, take measures to promulgate this law within the limits of the city of St. Louis, and shall issue his proclamation, and cause the same to be published in all the newspapers of said city, for four weeks successively prior to the day of election, requiring an election for city officers, in pursuance of this charter, to be held on the first Monday of April, eighteen hundred and forty-one; and said election shall be conducted in the same manner and at the same time and places as now provided for by the ordinances of said city regulating elections.

12. This act is declared to be a public act, and may be read in evidence in all courts of law and equity in this State, without proof.

13. Whenever the city of St. Louis shall erect and organize a workhouse in St. Louis county, any person who shall fail or neglect to pay any fine or costs imposed on him by any ordinance of the city of St. Louis, for any misdemeanor or breach of any ordinance of said city, shall, instead of being committed to the jail of the county, be committed to the workhouse until such fine and costs be fully paid; *Provided, however,* That no such imprisonment shall exceed ninety days.

14. Every person so committed to the workhouse, shall be required to work for the city at such labor as his health and strength will permit, not exceeding ten hours in each day; and for such work and labor the person so employed shall be allowed, exclusive of his board, seventy-five cents per day for each day's work, which amount shall go towards paying such fine and costs.

15. Nothing herein contained shall be so construed as to prevent the mayor of the city of St. Louis from remitting any fine, or part of any fine, imposed upon any person for a breach of any ordinance of the city of St. Louis.

16. The lots and all property, real, personal and mixed, beyond the present city boundaries, shall not be subject to taxation for city purposes, for the period of twelve months from the passage of this act.

17. The common council shall, within twelve months from the passage of this act, cause to be graded and macadamized the carriage-way of Broadway, South Seventh, Washington avenue, and Market street, twenty-five feet wide, from the boundaries of the city, established by this act, to the nearest point macadamized within the present limits of the city; and, until such carriage-ways aforesaid are made and completed, the lots and grounds beyond the present limits of the city shall not be taxed for city purposes more than one-sixteenth of one per cent.

18. This act shall take effect from and after the thirty-first day of March, in the year of our Lord one thousand eight hundred and forty-one, excepting the eleventh section of this article, which shall take effect from and after the passage thereof.

Approved, February 15, 1841.

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## AN ACT

PROVIDING FOR REPORTS OF THE MORTALITY OF THE CITY OF ST. LOUIS AND ITS SUBURBS.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

1. That all overseers and sextons of public graveyards, in or adjoining, or within four miles of the city of St. Louis, shall make a weekly report to the register of the city of St. Louis, of all interments, during the week, in the graveyard whereof they are such overseers or sextons, respectively. Said report shall specify the names and ages of the persons interred; and all physicians, practicing in the city of St. Louis, shall make a weekly report to the register of the city of St. Louis, of all deaths happening among their patients in the city of St. Louis and its suburbs; which report shall specify the names of the persons dying, the diseases of which they died, their ages, and whether they lived in the city or suburbs.

2. If any overseer, sexton, or physician, shall neglect to make the weekly report provided for in the foregoing section, he shall forfeit and pay the sum of five dollars for every such neglect, to be recovered by action of debt before any justice of the peace, in the name and to the use of the county of St. Louis, at the instance of the register of the city of St. Louis.

This act to take effect from and after its passage.

Approved, February 5, 1841.

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## AN ACT

TO AMEND AN ACT CONCERNING BILLS OF MORTALITY IN THE CITY OF ST. LOUIS AND SUBURBS.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

1. That all overseers, sextons, or other persons, who may have control of public graveyards in, adjoining, or within four miles of the city of St. Louis, shall make a weekly report to the register of the city of St. Louis of all interments during the week, in the graveyard whereof they are such overseer or sexton, respectively. Said report shall specify the names and ages of the persons interred, and also the diseases of which said persons died, sex, color, and if slave or free.

2. That if any overseer, sexton, or other person, having control of a graveyard; shall permit any person to be interred in said graveyard, without a certificate stating the name, age, sex, color, and if free or slave, together with the disease of which said person died, which certi-

cate shall be signed by the physician who attended said person, he shall forfeit and pay the sum of five dollars for every such neglect, to be recovered before any justice of the peace, in the name and to the use of the city of St. Louis, at the instance of the register of St. Louis.

3. That if any overseer, sexton, or other person, fail or neglect to make to the register such report of weekly interments, he shall forfeit and pay five dollars for every such failure, to be recovered as above.

4. For the purpose of carrying the above act into effect, every physician who may practice medicine in St. Louis and suburbs, shall, when a patient dies under his care, make out a certificate, stating the name, age, sex, and color, and if free or slave, together with the name of the disease of which said person died; and if any physician, on application, refuse to make out such certificate, he shall forfeit and pay five dollars to the use of the city of St. Louis, to be recovered before any justice of the peace of St. Louis county, at the instance of the city register.

This act to take effect from its passage.

Approved, February 25, 1843.



# CITY CHARTER.

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## AN ACT

TO REDUCE THE LAW INCORPORATING THE CITY OF ST. LOUIS, AND THE SEVERAL ACTS AMENDATORY THEREOF, INTO ONE ACT, AND TO AMEND THE SAME.

### ARTICLE I.

#### *Of Boundaries, General Powers, and Formation of Wards.*

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

1. All that district of country contained within the following limits, to-wit: Beginning at a point in the middle of the main channel of the Mississippi river, due east to the southeast corner of St. George, in St. Louis county; thence due west, to the west line of second Carondelet avenue; thence north, with the said west line of said avenue, to the north line of Chouteau avenue; thence northwardly, in a direct line, to the mouth of Stony creek; thence due east, to the middle of the main channel of the Mississippi river; thence southwardly, with the middle of the main channel of the Mississippi river, to the place of beginning, is hereby erected into a city, by the name of "The City of St. Louis."

2. The inhabitants of the city of St. Louis, as the same extends and is laid out above, be, and they and their successors forever are, hereby constituted a corporation and body politic, in fact and in law, by the name and style of "The City of St. Louis," and by the same name shall have perpetual succession, shall sue and be sued, implead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatsoever; may purchase, receive and hold property, real and personal, within said city, and may sell, lease, or dispose of the same for the benefit of the city, and may purchase, receive and hold property, real and personal, beyond the limits of the city, to be used for the burial of the dead of the city, also for the erection of waterworks to supply the city with water, and also for the establishment of a hospital for the reception of persons infected with contagious and other diseases, also for a poorhouse, workhouse, or house of correction; and may sell, lease, or dispose of such property for the benefit of the city, and may do all other acts as natural persons; they shall have and use one common seal, and may break, change, alter and make a new seal at pleasure.

3. The city of St. Louis shall be divided into six wards, the boundaries whereof shall be fixed by the city council, and be by the council changed from time to time, as they shall see fit, having regard to the number of free white male inhabitants, so that each ward shall contain, as near as may be, the same number of free white male inhabitants.

### ARTICLE II.

#### *Of the City Council.*

1. There shall be a city council, to consist of a board of aldermen and a board of delegates.

2. The board of delegates shall be composed of two members for each ward, to be chosen by the qualified voters of the several wards for one year.

3. The board of aldermen shall consist of two members for each ward, chosen by the qualified voters, for two years.

4. No person shall be an alderman or delegate unless he be a citizen of the State of Missouri, and shall have resided within the city limits one year next preceding his election, and a *bona fide* resident of the ward for which he is elected.

5. If any alderman or delegate shall, after his election, remove from the ward for which he is chosen, his office shall be thereby vacated.

6. Immediately after the board of aldermen shall be assembled, in consequence of the first election, the aldermen shall be divided into two classes. The seats of those of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year, so that one-half may be chosen every year.

7. The board of aldermen shall elect one of their number to be president of the board, and the board of delegates shall elect one of their number to be chairman thereof.

8. Each board may appoint their clerks and such other officers, servants and agents, as they shall, respectively, deem necessary in the transaction of their business.

9. Each board shall be the judge of elections, returns and qualifications of its own members, and shall determine contested elections.

10. The majority of each board shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each board may prescribe.

11. Each board may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds of all the members elected, expel a member, but not a second time for the same offense.

12. Each board shall keep a journal of its proceedings, and, as soon as practicable, publish the same in two newspapers of the city, which papers shall be of different politics; and the yeas and nays of the members on any question shall, at the desire of any two of those present, be entered on the journal.

13. Neither board, during the session of the city council, shall, without the consent of the other, adjourn for a longer period than two days.

14. No alderman or delegate shall, during the time for which he was elected, be appointed to any office under the city.

15. All vacancies that shall occur, in either board, shall be filled by election, in such manner as shall be provided for by ordinance.

16. Each alderman and delegate shall, before entering upon the duties of his office, take an oath that he will support the constitution of the United States and of this State, and that he will faithfully demean himself in office.

17. Whenever there shall be a tie in the election of aldermen or delegates, the judges of elections shall certify the same to the mayor, who shall immediately thereupon issue his proclamation, stating such facts, and ordering a new election.

18. There shall be two stated sessions of the city council every year, and they shall be held on the second Mondays of May and October, at such places as shall be prescribed by ordinance.

19. Upon the passage of all bills appropriating money, of bills imposing taxes, increasing, lessening, or abolishing licenses, and of bills for borrowing money, the yeas and nays shall be entered on the journals.

20. All bills shall be read in each board on three several days, unless two-thirds of the members, elected of the board, shall dispense therewith.

21. A majority of all the members elected of each board shall be necessary to pass a tax bill, bills appropriating, for any purpose, the sum of five hundred dollars or upward, and bills in anywise increasing or diminishing the city revenue.

## ARTICLE III.

*Of the Legislative Power.*

1. The appropriations of the city council, for payment of interest, for improvements, and for city expenses, during any one fiscal year, shall not exceed the amount of the income of the preceding fiscal year; but it shall be lawful for said board to apply any surplus moneys in the treasury to the extinguishment of the city debt, (or the creation of a sinking fund for the payment of said debt), or to the completion of the city water-works; but the said council shall apply the revenue received from wharfage (deducting the collection of the same, and other incidental expenses attendant thereon) to the improvement of the wharf, until the same be completed.

2. The mayor and city council shall have power within the city by ordinance—

*First*—To levy and collect taxes, not exceeding one per centum upon all property made taxable by law for State purposes.

*Second*—To borrow money on the credit of the city.

*Third*—To appropriate money and provide for the payment of the debt and expenses of the city.

*Fourth*—To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and enforce the same within ten miles of the city.

*Fifth*—To establish hospitals and make regulations for the government thereof.

*Sixth*—To make regulations to secure the general health of the inhabitants, and to prevent and remove nuisances.

*Seventh*—To provide the city with water, and to erect hydrants, fire-plugs, and pumps, in the streets, within or beyond the boundaries of the city, for the convenience of the city and environs.

*Eighth*—To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve, clean, and keep in repair, streets, avenues, lanes and alleys; but the mayor and city council shall not establish or open a street, lane, avenue, or alley, through the grounds lying and being situate between Ninth street and Eleventh street, and Washington avenue and Green street, without the written assent of the proprietors of the St. Louis University, so long as the building now used as a university remains erected thereon.

*Ninth*—To establish, erect and keep in repair bridges, culverts, and sewers, and regulate the use of the same; to establish, alter, and change the channel of water courses, and to wall them up and cover them over.

*Tenth*—To provide for lighting the streets and erecting lamps thereon.

*Eleventh*—To establish, support and regulate night watches and patrols.

*Twelfth*—To erect market-houses, establish markets, and market places, and provide for the government and regulation thereof.

*Thirteenth*—To provide for the erection of all needful buildings for the use of the city.

*Fourteenth*—To provide for enclosing, improving and regulating all public grounds belonging to the city.

*Fifteenth*—To improve and preserve the navigation of the Mississippi river within the city.

*Sixteenth*—To erect, repair and regulate public wharves and docks; to regulate the erection and repair of private wharves, and to fix the rates of wharfage thereat.

*Seventeenth*—To regulate the stationing, anchorage and mooring of vessels within the city.

*Eighteenth*—To license, tax and regulate auctioneers, grocers, merchants, retailers, and taverns, and to license, tax, regulate, and suppress ordinaries, hawkers, peddlers, brokers, pawnbrokers and money changers.

*Nineteenth*—To license, tax and regulate hackney carriages, omnibuses, wagons, carts and drays, and fix the rates to be charged for the carriage of persons, and of the wagonage, cartage and drayage of property.

*Twentieth*—To license and regulate porters, and to fix the rate of portorage.

*Twenty-first*—To license, tax, regulate, and suppress theatrical and other exhibitions, shows and amusements.

*Twenty-second*—To license, tax, restrain, prohibit and suppress billiard tables, tippling-houses and dram-shops; and to suppress gaming and gambling-houses, and other disorderly houses, and to suppress bawdy houses.

*Twenty-third*—To provide for the prevention and extinguishment of fires, and to organize and establish fire companies; also, to regulate, restrain or prohibit the erection of wooden buildings in any part of the city; to regulate and prevent the carrying on of manufactures dangerous in causing or producing fires; to appoint fire wardens and property guards, with power to remove and keep away from the vicinity of any fire all idle and suspicious persons lurking near the same; and to compel any person or persons present to aid in extinguishing such fire, or in the preservation of property exposed to the danger of the same, and in preventing goods from being purloined thereat, and with such other powers and duties as may be prescribed by ordinance; to compel the owners of houses and other buildings to have scuttles upon the roofs of any such houses and buildings, and stairs and ladders leading to the same.

*Twenty-fourth*—To regulate and order the cleaning of chimneys, and to fix the fees thereof.

*Twenty-fifth*—To regulate the storage of gunpowder, tar, pitch, resin, hemp, cotton, and all other combustible materials, and the use of lights and candles in all stables, shops and other places; to remove or prevent the construction of any fire-place, hearth, chimney, stove, oven, boiler, kettle, or apparatus used in any house, building, manufactory, or business, which may be dangerous in causing or promoting fires; to direct the safe construction of deposits for ashes, and, severally, to enter into, or to appoint one or more officers, at reasonable times, to enter into, and examine all dwelling houses, lots, yards, enclosures and buildings, of every description, in order to discover whether any of them are in a dangerous state, and to cause such as may be dangerous to be put in safe and secure condition.

*Twenty-sixth*—To regulate and prescribe the manner, and order the building, of partition and parapet walls and of partition fences.

*Twenty-seventh*—To establish standard weights and measures, and regulate the weights and measures to be used in the city, in all cases not otherwise provided by law.

*Twenty-eighth*—To provide for the inspection and measuring of lumber, and other building materials.

*Twenty-ninth*—To provide for the inspection and weighing of hay and stone coal, the measuring of charcoal, firewood, and other fuel, to be used in the city.

*Thirtieth*—To provide for and regulate the inspection of beef, pork, flour, meal, oils, whisky, and other spirituous liquors, in barrels, hogsheads and other vessels: *Provided*, That nothing in this act shall be so construed as to authorize the inspection of any article enumerated in this act, which is to be shipped beyond the limits of this State, except at the request of the owner or owners thereof, or of the agent having charge of the same.

*Thirty-first*—To regulate the inspection of butter, lard and other provisions; to regulate the vending of meat, poultry and vegetables; to restrain and punish the forestalling of poultry, butter, eggs and fruit, and to suppress hucksters.

*Thirty-second*—To regulate the weight, quality and price of bread to be sold and used in the city.

*Thirty-third*—To regulate the size of bricks made or used in the city.

*Thirty-fourth*—To provide for the taking and enumeration of the inhabitants of the city.

*Thirty-fifth*—To regulate the election of all elective city officers, and provide for removing from office any person holding an office created by this act, or by ordinance, not otherwise provided for.



*Thirty-sixth*—To provide for the appointment of all officers, servants and agents of the corporation, not otherwise provided for.

*Thirty-seventh*—To fix the compensation of the city officers, and regulate the fees of all jurors, witnesses and others, for services rendered under this act or any ordinance.

*Thirty-eighth*—To regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinance, and provide for the recovery and appropriating of such fines and forfeitures, and the enforcement of such penalties.

*Thirty-ninth*—To erect a workhouse and house of correction, and provide for the regulation and government thereof.

*Fortieth*—To create the office of port warden, and define the duties thereof, and to regulate and license all ferries within the limits of the city.

*Forty-first*—To levy and collect a poll tax, not exceeding fifty cents, upon every free white male person over twenty-one years of age, who shall have resided six months within the city.

*Forty-second*—To remove all obstructions from the sidewalks, and to provide for the construction and repair of all sidewalks and curb-stones, and for the cleaning of the same, and of the gutters, at the expense of the owners of the ground fronting thereon.

*Forty-third*—To prevent and restrain any riot, rout, noise, disturbance, or disorderly assemblages in any street, house or place in the city.

*Forty-fourth*—To prevent and remove all encroachments into and upon all streets, lanes, avenues, and alleys established by law or ordinance.

*Forty-fifth*—To exercise complete and perfect control over the common, and all of the property belonging to the city, real or personal, whether lying within or beyond the limits of the corporation created by this act, and the same to lease, sell, transfer, and dispose of, either absolutely or with limitation, to any person or persons whatsoever; and generally to make such rules, regulations, by-laws and ordinances, for the purpose of maintaining the peace, good government and order of the city of St. Louis, and the trade, commerce and manufactures thereof, as the city council may deem expedient, not repugnant to the constitution or laws of this State; and also to enforce the observance thereof, by inflicting penalties upon any inhabitant thereof, or other person or persons, for the violation of any ordinance, not exceeding five hundred dollars for any one offense, recoverable with costs, in any action of debt, by and in the name of the city of St. Louis, for the use of the city, before any court having cognizance of the same.

3. The city council shall have power, subject to the restriction in the last clause of the preceding section, to make all ordinances which shall be necessary and proper for carrying into effect the powers specified in the preceding section, and all other powers vested by this act in the corporation, the city government, or any department or officer thereof.

4. No money shall be expended, nor shall any improvement be ordered, involving an expenditure of money, except by ordinance, the provisions of which shall be specific and definite.

5. Every bill which shall have been passed by both branches of the city council shall, before it becomes a law, be presented to the mayor for his approbation. If he approve, he shall sign it; if not, he shall return it, with his objections, to the board in which it originated, which objections shall be entered at large on the journal, and the bill be reconsidered.

6. If, after such reconsideration, three-fifths of all the members elected to the board in which the bill originated shall agree to pass the same, it shall be sent, together with the objections of the mayor, to the other branch of the city council, by which it shall, in like manner, be reconsidered, and if passed by three-fifths of all the members elected to that branch, it shall become a law.

7. In all such cases the votes of both branches shall be taken by yeas and nays, and entered on the journals of each branch, respectively.

8. If any bill shall not be returned by the mayor in five days (Sundays excepted) after it shall have been presented to him for his approbation, the same shall become a law in the same manner as if he had approved and signed it.

9. Every resolution to which the concurrence of both branches of the city council shall be necessary (except in cases of adjournment) shall be presented to the mayor, and, before the same shall take effect, shall be proceeded upon in the same manner as in case of a bill.

10. The style of the ordinances of the city shall be: "Be it ordained by the city council of the city of St. Louis."

11. All ordinances passed by the city council shall, within five days after they become laws, be published in two newspapers published in the city of St. Louis, which shall be of different politics.

12. All ordinances of the city may be proven by the seal of the corporation, and, when printed and published by authority of the corporation, the same shall be received in evidence in all courts and places, without further proof.

13. The president of the board of aldermen shall exercise the duties and receive the compensation of mayor whenever, and so long as, from any cause, said office of mayor shall be vacant, or the mayor be absent from the city.

#### ARTICLE IV.

##### *Executive and Ministerial Offices.*

1. The chief executive officer of the city shall be the mayor, who shall be elected by the qualified voters of the city, and who shall hold his office for the term of one year, and until his successor is duly elected and qualified.

2. No person shall be mayor who, at the time of his election, is not possessed of the qualifications required for an alderman or delegate, or who holds any lucrative office under the authority of the United States.

3. When two or more persons shall have an equal number of votes for the office of mayor, the two branches of the city council shall decide the election by joint vote.

4. Whenever an election for mayor shall be contested, the two branches of the city council shall determine the same by joint vote.

5. Whenever any vacancy shall happen in the office of mayor, it shall be filled by election in such manner as shall be provided for by ordinance.

6. The mayor may be removed from office for any misdemeanor, by a majority of two-thirds on joint vote of both branches of the city council.

7. The mayor shall have the power to nominate, and, by and with the consent of the board of aldermen, to appoint all city officers not ordered by this act to be otherwise appointed; he shall take care that the laws of the state and the ordinances of the city are duly enforced, respected and observed within the city; he may remit fines, forfeitures and penalties, accruing from, or imposed for, the violation of any ordinance of the city; he may fill all vacancies which may occur in any elective office, other than that of alderman or delegate, until the same be filled by election, and in any other office until the end of the session of the board of aldermen which shall next happen after the vacancy shall have occurred; he shall, from time to time, give to the city council information relative to the state of the city, and shall recommend to their consideration such measures as he shall deem expedient for the advantage of the city.

8. The mayor may call special sessions of the city council, or either board thereof, by proclamation.

9. Whenever a special session of the city council, or either board thereof, shall have been called by the mayor, he shall state to them, when assembled, the cause for which they have been convened.

10. There shall be a city register, city auditor, city treasurer, city marshal, city attorney, and city engineer, who, in addition to the duties prescribed by this act, shall perform such other duties as may be prescribed by ordinance; there shall also be such other officers, servants and agents of the corporation as may be provided by ordinance, to be appointed by the mayor, by and with the advice and consent of the board of aldermen, and to perform such duties as may be prescribed by ordinance.

11. The city register, city auditor, city attorney, and city marshal, shall be elected by the qualified voters for the office of mayor, aldermen and delegates; and the city engineer and city treasurer shall be appointed by the mayor, by and with the advice and consent of the board of aldermen; they shall hold their offices for one year, and until their successors are duly qualified.

12. It shall be the duty of the city register to keep a record of all the official acts of the mayor, and, when necessary, to attest them; he shall keep and preserve in his office the common seal of the city, and all records, public papers and documents of the city not properly belonging to any other office.

13. It shall be the duty of the city auditor to prescribe the mode of keeping, stating and rendering all accounts, unless otherwise provided by ordinance, between the city and any person or body corporate.

14. It shall be the duty of the city treasurer to receive and keep the money of the city, and to pay out the same on warrants drawn by the auditor.

15. The city marshal shall, within the city, in matters of a criminal nature, arising under any law of the State, possess the same powers, perform the same duties, and receive the same compensation as either constable of St. Louis township; he shall execute and return all process issued by the mayor, recorder, any alderman or justice of the peace, under this act, or any ordinances of the city.

16. It shall be the duty of the city engineer to superintend the construction of all public works ordered by the city; to make out plans and estimates thereof, and to contract for the execution of the same; and to perform all surveying and engineering ordered by the city: *Provided, however,* Such plans and contracts shall be first approved by the two boards of the council, or they shall not be valid.

17. The mayor and all other officers of the corporation shall reside within the limits of the city during their continuance in office; and if the mayor of the corporation shall cease to reside within the limits of the city, his office shall be thereby vacated.

18. There shall be a recorder, who shall be a resident of the city, and shall possess the same qualifications as the mayor, under the provisions of this act, who shall be elected at the same time the mayor and aldermen are elected, and shall hold his office for two years, and until his successor is duly elected and qualified; such recorder may be removed from office in the same manner as the mayor; he shall have the same jurisdiction as justices of the peace within the limits of the city, in all State cases; he shall have a jurisdiction over all cases arising under any ordinance of said city, subject, however, to an appeal, in all cases, to the St. Louis criminal court, and every such appeal shall be taken and granted in the same manner as appeals are taken from, and granted by, justices of the peace to the criminal court, under the general law of the State. He shall charge, in all cases, the same fees which are now allowed to justices of the peace for the same kind of services, which shall be charged and collected as other costs, and, when collected, paid into the city treasury.

19. The recorder shall make a semi-annual report of all fees charged for his services, which report shall be verified by affidavit and returned to the mayor, who shall submit the same to the first meeting of the city council thereafter.

20. The recorder shall receive a salary not to exceed twelve hundred dollars per annum, to be fixed by ordinance, and paid out of the city treasury.

## ARTICLE V.

### *Of Elections.*

1. A general election for all the officers of the corporation, required to be elected by this act or any ordinance of the city, shall be holden on the first Monday of April in each year.

2. At all elections for city officers the voters shall vote by ballot, and only in the wards wherein they respectively reside.

3. Judges of election shall be appointed by the board of aldermen; they shall take an oath to faithfully and impartially discharge their duties; they shall open the polls at sunrise and close them at sunset, when they shall forthwith proceed to ascertain and certify the result of the election, in presence of so many of the candidates or other persons of all parties, indiscriminately, as can be conveniently accommodated in the room selected for the purpose: *Provided*, That there shall never be less than ten voters present at any comit, if so many desire to be present.

4. No election shall be held in a grog-shop, or other place where intoxicating liquors are vended.

5. All persons qualified as electors, under the tenth section of the third article of the constitution of the state of Missouri, who shall have resided six months within the city, and one month within the ward where they offer to vote, next preceding the election, shall be deemed qualified voters at all elections for city officers.

6. Elections for city officers shall continue but one day, and during that day the polls shall not be closed under any pretense whatsoever.

7. Special elections to fill vacancies shall be held under such regulations as may be provided for by law or ordinance.

## ARTICLE VI.

### *Of Opening and Improving Streets.*

1. It shall not be lawful for the city council to grade, pave, macadamize, clean, water, or light any street, lane or avenue, not established and opened according to law and ordinance. It shall be lawful, nevertheless, for the city council to order the owner or owners of ground fronting on any private alley to keep the same clean, and, if necessary thereto, to direct him or them to pave the same.

2. When it is necessary to take private property for opening, widening, or altering any public street, lane or avenue, the corporation shall make a just compensation therefor to the person whose property is so taken, and if the amount of such compensation can not be agreed upon, the mayor shall cause the same to be ascertained by a jury of disinterested freeholders of the city.

3. In opening, altering or widening alleys through the blocks or squares of the city, the same proceedings shall be had as in case of opening, widening or altering public streets, lanes or avenues, with this addition, that the jury shall ascertain the amount of benefit that shall accrue to the person whose property is taken, and those who may have petitioned for the opening, widening or altering of such alley.

4. When the owners of the major part of the front of all the property on the street, lane, avenue or alley, proposed to be opened, widened or altered, shall petition therefor, the mayor and city council may open, widen or alter such street, lane, avenue or alley, upon conditions to be prescribed by ordinance; but no compensation shall, in such case, be made to those whose property shall be taken for opening, widening or altering such street, lane, avenue or alley, who have petitioned for the same; nor shall there be any assessment of benefit or damages that may accrue thereby to any of the petitioners.

5. All jurors impaneled to inquire into the amount of benefits or damages which shall happen to the owner of property proposed to be taken for opening, widening or altering any street lane, avenue or alley, shall first be sworn to that effect, and shall return to the mayor their inquest, in writing, and signed by each juror.

6. The mayor shall have power, for good cause shown, within ten days after any inquest shall have been returned to him, as mentioned in the preceding section, to set the same aside, and to cause a new inquest to be made.

7. The mayor and city council shall have power, by ordinance, to enforce the payment of all sums which a jury shall declare to be the amount of benefits accruing to the owners of property, upon any alley which shall be opened, widened, or altered, if the owner be one of the petitioners for the opening, widening or altering such alley.



8. The mayor and city council shall have power, by ordinance, to levy and collect a special tax on the holders of the lots on any street, lane, avenue or alley, or part of any street, lane, avenue or alley, according to the respective fronts owned by them, for the purpose of paving or grading such street, lane, avenue or alley: *Provided, always,* Such tax shall not exceed one-half of one per centum; nor shall the grading or paving be done at the expense of the owners of the lots fronting on the street, lane, avenue or alley, unless a petition for such paving and grading, signed by the owners of a major part of the ground fronting thereon, be presented for such purpose.

9. The city council shall have power, by ordinance, to direct the manner in which any property, real or personal, advertised for sale or sold for taxes, by authority of the corporation, may be redeemed.

10. Lands within the limits of the city, which have not been laid off into blocks or lots, shall not be assessed or taxed otherwise than by the acre, as agricultural lands, and shall continue to be so assessed and taxed till laid off into blocks or lots by the owners thereof, respectively; and the owners of such lands, in laying off the same into blocks or lots, shall so arrange the streets that they shall correspond with previously established streets of the city.

## ARTICLE VII.

### *Miscellaneous Provisions.*

1. The city council shall cause to be published, within one month after the end of each fiscal year, a full, complete and detailed statement of all the moneys received and expended by the corporation during the preceding fiscal year, and on what account received and expended, classifying each receipt and expenditure under its appropriate head.

2. All ordinances and resolutions now in force in the city of St. Louis, and not inconsistent with this act, shall remain in force until altered, modified, or repealed, under this act.

3. All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created, shall be instituted, commenced and prosecuted in the name of "The city of St. Louis."

4. All actions, fines, penalties, and forfeitures, which have accrued to the city council of St. Louis, or to the city of St. Louis, shall be vested in, and prosecuted for, by the corporation hereby created.

5. All property, real and personal, heretofore belonging to the inhabitants of the town of St. Louis, or the trustees of said town, in their corporate capacity, or to the "Mayor, Aldermen, and citizens of the city of St. Louis," or to the city council of the city of St. Louis, or to the city of St. Louis, shall be, and the same is hereby declared to be, vested in the corporation hereby created.

6. This charter shall not invalidate any act done by the "Mayor, Aldermen and citizens of the city of St. Louis," or the city council of the city of St. Louis, or the city of St. Louis, nor divest them of any right which may have accrued to them prior to the passage of this act.

7. The general assembly may, at any time, alter, amend or repeal this charter.

8. This act is declared to be a public act, and may be read in evidence in all courts of law and equity in this State, without proof.

9. The mayor of the city of St. Louis shall, immediately after the passage of this act, take measures to promulgate this law within the limits of the city of St. Louis.

10. The city of St. Louis shall have power to erect and organize a workhouse in St. Louis county; and any person who shall fail or neglect to pay any fine or costs imposed on him by any ordinance of the city of St. Louis, for any misdemeanor or breach of any ordinance of said city, shall, instead of being committed to the jail of the county, be committed to the workhouse until such fine and costs be fully paid: *Provided, however,* That no such imprisonment shall exceed the period of six months for any one offense.

11. Every person so committed to the workhouse shall be required to work for the city at such labor as his health and strength will permit, within or without said workhouse, not exceeding ten hours each day, and for such work and labor the person so employed shall be allowed, exclusive of his board, fifty cents per day for each day's work, which amount shall go toward paying such fine and costs.

12. The inhabitants of St. Louis are hereby exempted from working upon any road beyond the limits of the city, and from paying any tax to procure laborers for working on the same.

13. The city shall not, at any time, become a subscriber for any stock in any corporation.

14. The fiscal year of the city shall terminate on the day preceding the second Monday of April in each year.

15. There shall be a digest of the ordinances of the city, which are of a general nature, published within six months after the passage of this act, and a like digest within every period of three years thereafter.

16. Whenever any revenue or other city officer, accountable as such for money received or receivable by him, shall neglect or refuse to pay into the treasury of the city the sum or balance reported by the auditor to be due from him to the city, upon the adjustment of his account, the mayor shall order suit to be commenced in the proper court against such delinquent officer, for such sum or balance, adding thereto the commissions of the delinquent, which shall be forfeited in every instance where suit is commenced and judgment obtained thereon, and an interest of six per cent. per annum from the time of receiving the money, or when it shall have been received, until it shall be paid into the treasury.

17. In every case of delinquency, where suit has been or shall be instituted, a transcript from the books of the auditor, certified by him, shall be admitted as evidence, and the courts trying the cause may grant judgment and award execution accordingly.

18. When suit shall be instituted against any delinquent as aforesaid, the court, where the same may be pending, shall grant judgment at the return term, upon motion, unless the defendant shall, in open court (the city attorney being present) make oath or affirmation that he is entitled to credits which had been, previous to the commencement of the suit, submitted to the consideration of the auditor and rejected, specifying each particular item so rejected in the affidavit, and that he cannot then safely come to trial: oath or affirmation to this effect being made, subscribed and filed, if the court be thereupon satisfied, a continuance until the next succeeding term may be granted, but not otherwise.

19. In suits such as aforesaid, no claim for a credit shall be admitted upon trial but such as shall appear to have been presented to the auditor for his examination, and by him disallowed in whole or in part, unless it be proved to the satisfaction of the court that the defendant is, at the time of the trial, in possession of vouchers, not before in his power to procure, and that he was prevented from exhibiting a claim for such credit to the auditor by some unavoidable accident.

20. One-half, at least, of the revenue of each year shall be appropriated to defraying the back and current interest on the debt owing by the city, created by way of loans to her, the erection of waterworks, and lighting of the city conjointly. A separate account shall be kept of such appropriation and the disbursements thereof; and if any such appropriations shall be diverted from the appropriate objects, each member of the council voting for such misappropriation, and the mayor approving any bill or resolution making such misappropriation, shall be liable to the city in his individual estate to the amount of such misappropriation: *Provided, however,* Any excess at the end of any fiscal year, remaining after the expenses attendant on those objects are liquidated, and paid, shall constitute a sinking fund for the discharge of the debt or debts of the city, made by way of loans to her, and may be so appropriated; and if any appropriation be made, in other respects contrary to this act, each member of the city council voting for such appropriation, and the mayor approving any bill (any bill) or resolution making such appropriation, shall be liable to the city in his individual estate to the amount of such appropriation: *Pro-*

*vided, however.* Any excess, remaining after all legal appropriations for one year, shall constitute a sinking fund for the discharge of the debt of the city, made by loans to her, and may be so appropriated.

21. A separate account shall be kept of the revenue applicable to the different objects, in this act indicated, and of the disbursements on account of each.

22. At each session of the city council, stated or special, and on the first day thereof, the auditor and treasurer, under such penalty as may be prescribed by ordinance for neglect thereof, shall lay before each board of the council and the mayor, a statement showing the amount of income derived from the revenue of the preceding fiscal year, and the appropriations for the different objects to which the revenue is applicable during the then current fiscal year, certified by them jointly.

23. No warrant, bond, bill or note, shall be issued by the city to any creditor of the city, for less than one thousand dollars, or the entire amount due by the city to such creditor, if the same be less than such sum, or the balance remaining due to such creditor, after the issue to him of such thousand dollar securities.

24. All acts and parts of acts contrary to, and inconsistent with, the provisions of this act, or within the purview thereof, except the seventeenth section of the act entitled "An act to amend an act to incorporate the city of St. Louis," approved 8th of February, 1839, are hereby repealed.

25. The present city council shall exercise all of the powers and functions vested in the council under this act, until superseded under the same; and they shall, as soon as practicable, after the passage of this act, proceed to take an enumeration of the free white male inhabitants of the city, and to divide the city into wards, as prescribed by same, and provide for elections, conformably to the same: *Provided, however.* The next election of aldermen and delegates shall not take place till after such enumeration and apportionment, but shall as soon thereafter as can be, which shall be prescribed by ordinance, and be, at least, within six months from the passage of this act.

This act to take effect and be in force from and after its passage.

Approved, February 8, 1843.

## AN ACT

FOR THE IMPROVEMENT OF THE HARBOR OF ST. LOUIS.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

1. The city of St. Louis is hereby authorized to borrow any sum of money, for the improvement of the harbor of said city, not exceeding the sum of one hundred thousand dollars, and the mayor and city council of said city are hereby authorized to appropriate the money so borrowed to the construction of such works, within or without the limits of said city, as may be necessary to improve or secure the harbor of said city, and to remove all obstructions to navigation from said harbor.

2. The mayor and city council are hereby authorized to levy and collect a tax, not exceeding one-tenth of one per centum on all property within said city, made taxable by law for State purposes, in addition to the tax authorized by the charter, the proceeds of which shall be exclusively for the payment of the principal and interest of any money borrowed for the purpose before mentioned, and shall be exclusively appropriated to such payment.

2. Any member of the city council who shall vote for any ordinance that shall be passed for the application of the money borrowed to any other object than the improvement of the harbor, or for the application of the proceeds of the tax before provided for to any other object than the payment of the principal and interest of the loan before authorized, and any mayor of said city who shall approve any ordinance by which the proceeds of such loan or tax shall be diverted to any other object, shall



be liable to pay the amount so directed [diverted] to the city, and the same may be recovered by action on the case against such mayor, or such member, in the name of the city; and upon the passage of such ordinance by which such illegal appropriation shall be made, every member of the council present shall be deemed to have voted for the passage of such ordinance, unless the yeas and nays are entered upon the journals of such board of the city council.

4. No member of either board of the city council shall receive more than one dollar for each day he shall attend the sittings of the board of which he is a member, which shall be in full for all his services as such member.

This act to take effect from its passage.

Approved, March 26, 1845.

## AN ACT

SUPPLEMENTARY TO THE SEVERAL ACTS TO INCORPORATE THE CITY OF ST. LOUIS.

*Be it enacted by the General Assembly of the State of Missouri, as follows :*

1. In making the assessment of the city revenue of the city of St. Louis, the assessors shall so arrange and make out their books as to distinguish the revenue accruing from taxes on the property situated within the new limits of the city that were added to the city by an act passed on the fifteenth day of February, in the year eighteen hundred and forty-one, entitled "An act to amend an act to incorporate the city of St. Louis," approved 8th of February, 1839, from the revenue accruing from taxes on property situated in the old limits of the city, as they existed before the passage of the above recited act, and so as to show how much revenue is derived from taxes on property situated in the rest of the city, within the new limits, that was added to the city by the above recited act.

2. When the revenue of each year shall be collected, one-fourth of the aggregate amount of the revenue derived from taxes on property within said new limits, and outside of said old limits, shall be set apart and appropriated to the grading and paving of streets, and to making substantial improvements within said new limits, to be expended within the new limits and outside of the old limits of the several wards, in proportion to the amount of such revenue paid in each ward; and in like manner, one-fourth part of the net revenue that shall be derived from taxes on licenses within the said new limits, and outside of said old limits, shall be set apart for making streets and other public improvements within said new limits, to be applied and expended in the new limits of the several wards in proportion to the amount derived from each.

3. The aldermen and delegates from each ward, for the time being, shall constitute a board of improvement for the new limits of such ward, to determine to what streets and other public improvements, within the new limits of their respective wards, the proportion of revenue thus reserved and set apart for the use thereof shall be applied and expended, and the amount that shall be appropriated to every such improvement.

4. Whenever a street shall form the division line between that part of any two wards within the new limits, the aldermen and delegates of the two wards, for the time being, may act jointly, and determine that an equal amount shall be appropriated from the reserved fund of each ward to improve such street.

5. The aldermen and delegates of each ward, when acting under this act, shall conduct their proceedings in a regular, systematic manner, shall keep a faithful record thereof, and when they shall have determined on any improvement within their ward, and the amount to be expended thereon; they shall make to the city council a full report of their proceedings in relation thereto, signed by them, or a majority of them.



6. It shall be the duty of the city council to pass such ordinances, make such orders, and establish such regulations, as will cause the money thus set apart for the improvement of the new limits of the several wards to be faithfully, judiciously and economically applied, in such manner as will best promote the interests of the citizens of said new limits, and to provide some regular and convenient mode by which the money for such improvement shall be drawn from the treasury, secured, accounted for and disbursed. All such improvements shall be contracted for and constructed under the superintendence of the city engineer, and reports thereof shall be made to the city council; and the improvements shall, in other respects, be managed as other city improvements. It shall be the duty of the city council to adopt such measures as will cause this act to be carried into effect according to its true intent and meaning. This act shall continue in force for four years, unless sooner repealed, and shall then cease to be in force, unless continued by a supplemental act.

This act shall take effect from its passage.

Approved, January 6, 1847.

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## AN ACT

AMENDATORY TO AN ACT ENTITLED "AN ACT TO REDUCE THE LAW INCORPORATING THE CITY OF ST. LOUIS, AND THE SEVERAL ACTS AMENDATORY THEREOF, INTO ONE ACT, AND TO AMEND THE SAME." APPROVED, FEBRUARY 8, 1843.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

1. The city council of the city of St. Louis shall have no power to open or cause to be opened, to extend or cause to be extended, Sixth street, or any other street or lane, through the grounds now inclosed and occupied by the Sisters of the Sacred Heart, and upon which their convent is located; this act being designed to protect them in the enjoyment of the garden and pleasure grounds attached to said convent.

This act shall take effect from and after its passage.

Approved, February 11, 1847.

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## AN ACT

AUTHORIZING THE CITY OF ST. LOUIS TO ERECT A CITY HALL.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

1. The city council of the city of St. Louis is hereby authorized to erect a building suitable for a city hall, and offices for the use of the city government of said city, and for a convenient market-house, which building shall be erected on the square of land belonging to said city, situate east of Main street, and between Market and Walnut streets.

2. For the purpose of erecting such building, and defraying the cost thereof, the said city council is hereby authorized to borrow a sum of money not exceeding seventy-five thousand dollars, and issue the bonds of the city therefor; and the rents and revenue derived from such building and market-house, after deducting the expenses of collecting the same, shall be set apart, and exclusively appropriated for, the payment of the interest and principal of the money borrowed for the purposes aforesaid.

This act shall take effect from its passage.

Approved, March 5, 1849.

## AN ACT

RESPECTING ST. LOUIS WHARF.

*Be it enacted by the General Assembly of the State of Missouri, as follows :*

1. The city council of the city of St. Louis shall have power to provide by ordinance for compromising, adjusting and purchasing the conflicting claims that have been set up by individuals to the ownership of any part of the city wharf or landing in front of the city, and to obtain from the claimants relinquishments of all their pretensions to hold or own any part of the wharf as private property; and to take all necessary steps to quiet the title of the city to such portions of the wharf or landing, so that the same may be hereafter improved and used as a public city wharf, as other portions of the wharf are now held and used. The city council shall have power, by ordinance, to provide the means for carrying this act into effect, by loan, taxation, or otherwise.

This act shall take effect from its passage.

Approved, March 10, 1849.

## AN ACT

TO AMEND AN ACT ENTITLED "AN ACT SUPPLEMENTARY TO THE SEVERAL ACTS TO INCORPORATE THE CITY OF ST. LOUIS," APPROVED, JANUARY 6, 1847.

*Be it enacted by the General Assembly of the State of Missouri, as follows :*

1. That the above cited act be, and the same is hereby, so amended as to set apart and appropriate one-half, instead of one-fourth, of the revenue of said city, as provided in said act; and that wherever the word one-fourth or one-fourth part may occur in said act, be and the same is hereby changed, and the words one-half be substituted therefor.

2. That the act above referred to and amended as provided in the first section of this act, shall continue and remain in force for two years from and after the date of its approval, unless sooner repealed.

3. This act to take effect and be in force from and after its passage; all acts or parts of acts repugnant or inconsistent with the provisions of this act, be, and the same are hereby, repealed.

Approved, March 10, 1849.

## AN ACT

TO AUTHORIZE THE CITY OF ST. LOUIS TO BORROW MONEY.

*Be it enacted by the General Assembly of the State of Missouri, as follows :*

1. The city council of the city of St. Louis are hereby authorized to borrow, for a period not exceeding twenty years, and at a rate of interest not exceeding eight per cent. per annum, any sum not exceeding fifty thousand dollars, as the same may be wanted, for the purpose hereinafter mentioned.

2. For the money so borrowed, the mayor shall issue the bonds of the city, under the seal thereof, countersigned by the register, which bonds shall state where the same are payable, and shall have coupons attached for the payment of interest.

3. The money so borrowed shall be expended, under the direction of the city council, for the construction of a sewer, or sewers, commencing at any point on or near Seventh street, and north of Washington avenue; as may be deemed most desirable, to drain off all the water that collects at intersections of cross streets with Seventh street, and north of Washington avenue. This act shall take effect from its passage.

Approved, March 12, 1849.

## AN ACT

FOR THE IMPROVEMENT OF THE HARBOR, OPPOSITE TO ST. LOUIS.

*Be it enacted by the General Assembly of the State of Missouri, as follows :*

1. The city of St. Louis, subject to the provisions hereinafter contained, is hereby authorized to borrow any sum of money, not exceeding fifty thousand dollars, and to issue the bonds of said city not exceeding said maximum sum, and bearing an interest of not more than six per cent. per annum, payable semi-annually, and to appropriate the money so borrowed to the construction of such works, within or without the limits of said city, as may be necessary to improve or secure the harbor opposite the southern part of said city, and to remove all obstructions to navigation from said part of the harbor.

2. The mayor and city council are hereby authorized to levy and collect a special tax, not exceeding one-tenth of one per centum in addition to the taxes already authorized, on all property taxable by law for State purposes, within that part of said city which is bounded on the north by Pine street, on the east by the Mississippi river, and on the south and west by the southern and western limits of said city; the proceeds of which special tax shall be exclusively for the payment of the principal and interest of any money borrowed for the purpose before mentioned: *Provided*, That the qualified voters of the described part of said city shall be in favor of such loan and taxation.

3. It shall be the duty of the mayor of said city, within the month of April next, to order ten days' public notice, containing a copy of this act, to be given in at least five daily newspapers (including, if possible, two printed in the German language) published in said city, and the sense of the qualified voters of the described part of said city to be tested as to the propriety of such loan or taxation, on behalf of said city.

4. The test shall be conducted in every respect in accordance with the article on "election," contained in the charter of said city, saving that the judges shall, if the board of aldermen be not in session, be appointed by the mayor and the presiding officers of the two branches of said city council, or any two of said officers. No ballot shall be counted unless the words "For the harbor loan," or "Against the harbor loan," be written or printed thereon; and if it shall appear that in the aggregate there are more ballots for than against said harbor [loan], then the mayor and city council, and their successors in office, are authorized, and shall carry out the provisions of this act, according to the true intent and meaning thereof: *Provided*, That any work done under the authority of this act shall not interfere or be inconsistent with any works already done or contemplated, and necessary to be done, for the improvement of the harbor of St. Louis generally.

5. Any member of the city council who shall vote for any ordinance that shall be passed for the application of the money borrowed under authority of this act to any other object than improvement of the harbor opposite the southern part of the city of St. Louis, or for the application of the proceeds of the tax provided for by this act to any other object than the payment of the principal and interest of the loan herein authorized; and any mayor of said city who shall approve any ordinance by which the proceeds of such loan or tax shall be diverted to any other object, shall be liable to pay the amount so diverted to the city for its application toward the improvement of the harbor opposite the southern part of the said city, and the same may be recovered by action on the case against such mayor, or such member, in the name of the city; and upon the passage of such ordinance, by which such illegal appropriation shall be made, any member of the council present shall be deemed to have voted for the passage of such ordinance, unless the yeas and nays are entered upon the journals of such board of the city council.

6. It shall be the duty of the city council, in the month of June in every year during the existence of the debt herein authorized to be made,

to cause to be published, for three successive days in three daily newspapers (including, if possible, one in German language) published in said city, a true and full statement, signed by the proper officers of the city, as to the bonds issued, the moneys received on them and by taxation, the moneys paid or expended and on hand, under authority of this act.

7. The special tax herein authorized to be levied shall cease so soon as the principal, together with interest, herein authorized to be borrowed, shall be fully paid.

8. In case the test, ordered to be made in the month of April next, should decide against the harbor loan, the city council may, at any time thereafter, order the sense of the qualified voters of the before described part of said city to be tested again as to the propriety of said loan and taxation on the part of the said city, and every such test shall be conducted in the same manner as the one ordered to be taken in the month of April next: *Provided*, In any one year not more than one test shall be taken.

This act to take effect from its passage.

Approved, March 12, 1849.

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## AN ACT

TO PROVIDE A GENERAL SYSTEM OF SEWERAGE IN THE CITY OF ST. LOUIS.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

1. The mayor and city council of St. Louis shall cause, by ordinance, the city to be laid off into districts to be drained by principal and lateral or tributary sewers, having reference to a general plan of drainage by sewers for the whole city, and number and record the same.

2. Whenever a majority of the owners of real estate within any district shall petition for the construction of the sewers in said district, the city council shall have power, by ordinance, to levy and collect a special tax on the real estate within said district so drained, not to exceed one-half of one per centum per annum on the assessed value of said real estate, for the purpose of constructing said sewers, which tax shall be annually levied and collected as other city taxes, and shall constitute a lien on the real estate on which it is assessed; and shall not be repealed or altered until the debt created thereby shall have been fully paid.

3. Whenever a petition, signed as aforesaid, is presented to the city council, they shall provide by ordinance for the letting and construction of sewers, or such parts thereof as shall be necessary, and may, from time to time, extend, enlarge or alter the same under such terms, and on such conditions as they may deem necessary.

4. The mayor and city council, upon the presentation of a petition as aforesaid, may borrow any sum of money necessary for the construction of the sewers in any district, and issue the bonds of the city for the same, payable and predicated, in interest and principal, upon the tax in the second section of this act mentioned.

5. All moneys, collected under and by virtue of this act, shall be applied to the district from which it is so collected, and to no other purpose or use.

This act to take effect from its passage.

Approved, March 12, 1849.



## AN ACT

AUTHORIZING THE CITY OF ST. LOUIS TO ISSUE THE BONDS OF THE CITY TO THE AMOUNT OF ONE HUNDRED AND FIFTY THOUSAND DOLLARS, AND TO LEGALIZE APPROPRIATIONS BY THE CITY COUNCIL OF SAID CITY DURING THE YEARS 1849 AND 1850.

WHEREAS, Embarrassment to the treasury of the city of St. Louis has arisen out of the extraordinary expenditures occasioned by two years' visitation of epidemic cholera, the great fire of eighteen hundred and forty-nine, and the opening and macadamizing a part of south Seventh street, Washington avenue and Broadway, and the curtailment of the city revenue from taxes in the new limits, in consequence of the decision of the supreme court in the case of Allen against the city of St. Louis; therefore,

*Be it ordained by the General Assembly of the State of Missouri, as follows:*

SECTION 1. That the City of St. Louis be, and she is hereby, authorized to borrow, for a period not exceeding twenty years, and at a rate of interest not exceeding six per cent. per annum, any sum not exceeding one hundred and fifty thousand dollars, as the same may be wanted for the purposes hereinafter mentioned.

SEC. 2. For the money so borrowed, the mayor is hereby authorized to issue the bonds of the city in the usual form, in sums of one thousand dollars each.

SEC. 3. The proceeds of the bonds authorized to be issued, as aforesaid, shall go to liquidate balances due, and falling due, by the treasury of the city of St. Louis: *Provided*, That the proceeds of forty of said bonds shall go to liquidating debts already contracted, and to be contracted, by the authorities of said city, for the purchase of water-pipe and the extension of the new waterworks now being erected in said city.

SEC. 4. All appropriations of money made by the city councils of St. Louis for and during the years eighteen hundred and forty-nine and eighteen hundred and fifty, so far as said appropriations are in contravention to the first section of the third article of the charter of said city, are hereby legalized; and the constructive penalty incurred by the provisions of the twentieth section of the seventh article of the charter aforesaid is hereby abrogated, so far as said penalty shall attach to any acts done by the mayor and members of the respective councils aforesaid.

This act to take effect and be in force from and after its passage.

Approved, January 7, 1851.

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## OFFICE OF SECRETARY OF STATE OF MISSOURI.

I, EPHRAIM B. EWING, Secretary of State, do certify that the foregoing is a true and correct copy of the original roll on file in this office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the [L. s.] seal of said office, at the city of Jefferson, this seventh day of January, 1851.

EPHRAIM B. EWING, *Secretary of State.*

## AN ACT

SUPPLEMENTARY TO THE SEVERAL ACTS TO INCORPORATE THE CITY OF ST. LOUIS, AND TO CONTINUE IN FORCE THE LAW COMMONLY KNOWN AS "THE NEW LIMIT LAW," AS IT NOW EXISTS.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. In making the assessment of the revenue of the city of St. Louis, the assessors shall so arrange and make out their books as to distinguish the revenue arising from taxes on the property in the several wards, situate within the new limits of the city (which were added to the city by an act approved February fifteenth, eighteen hundred and forty-one, entitled "An act to amend an act to incorporate the city of St. Louis," approved on the eighth day of February, eighteen hundred and thirty-nine), from the revenue accruing from taxes on property situated in the old limits of the city, as they existed before the passage of the above recited act, so as to show how much revenue is derived from taxes on property situated within said new limits, added to the said city of St. Louis by the above recited act; and, in like manner, the collectors of revenue shall keep their accounts so as to show the amount of revenue derived from tax on licenses granted within said new limits, and outside of the old limits of the respective wards.

SEC. 2. When the whole city revenue of each year shall have been collected, there shall be paid out of the net aggregate amount thereof derived from taxes and licenses of every kind—

*First*—All expenses of the city hospital, except for additions or enlargement of the building.

*Second*—All quarantine or extra expenses, except for buildings, that may have been incurred within the year, on account of the danger or prevalence of epidemic disease.

*Third*—All interest that may accrue upon money borrowed for the construction of public sewers within the city, which have been, or may be, constructed at the expense of the city; and then one-half the remaining revenue derived from taxes and licenses as aforesaid, within said new limits, and outside of old limits, shall be set apart and appropriated to the making and grading and improving the streets within said new limits, and outside of said old limits, in each of the several wards of said city, in proportion to the amount of such revenue derived from each, respectively; and no part of the revenue thus set apart shall be used for other purposes than as herein specified.

SEC. 3. The aldermen and delegates from each ward, for the time being, shall constitute a standing committee on improvements for the limits of said ward, and shall determine upon and report to the city council what streets within the new limits they recommend the improvement of, and the amount to be expended in said improvement; which report shall be in writing, signed by said committee, or a majority of them, and shall be published daily, for at least four days, in two papers publishing the proceedings of the city council; and if the council then concur in the report, they shall pass an ordinance providing for such improvement, as in other cases.

SEC. 4. Whenever a street shall form a division line between that part of any two wards within such new limits, the improvement committees of the two wards may act jointly, and recommend that an equal amount from the new limit fund of each ward be appropriated to improve such street.

SEC. 5. It shall be the duty of the city council to pass such rules, make such orders, and establish such regulations, as will cause the money thus set apart for the improvement of the new limits of the several wards to be faithfully, judiciously, and economically applied, in such manner as will best promote the interests of said new limits, and provide for the manner in which the fund thus set apart shall be paid out and disbursed;

and all such improvements shall be contracted for, and constructed under, the superintendence of the city engineer, and be in all respects managed as other city improvements: *Provided, however,* That no street shall be improved out of the new limit fund until recommended by the improvement committee, or a majority of them; but the council may reject the report of such committee.

SEC. 6. The city shall, within three years from and after the passage of this act, improve all the unimproved streets within what is known as the old limits of the city, and make a loan for that purpose, if necessary.

SEC. 7. This act shall take effect and continue in force for and during the period of ten years from the day of its passage: *Provided, however,* That if, before the expiration of said period of ten years, all the streets in the new limits of any ward shall be improved, then and in that case the provisions of this act shall cease to apply to said ward, and all the revenue collected in said ward shall remain in the general fund of the city.

Approved, March 1, 1852.

MISSOURI:

OFFICE OF SECRETARY OF STATE, }  
*City of Jefferson.* }

I, EPHRAIM B. EWING, Secretary of State, do certify that the foregoing act of the general assembly of the State of Missouri, entitled, "An act supplementary to the several acts to incorporate St. Louis, and to continue in force the law commonly known as the new limit law, as it now exists," approved March 1, 1851, is a true and perfect copy of the original roll on file in this office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the [L. S.] seal of said office, at the city of Jefferson, this twelfth day of March, A. D. 1851.

EPHRAIM B. EWING, *Secretary of State.*

# AMENDED CITY CHARTER.

APPROVED MARCH 3, 1851.

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## A N A C T

TO REDUCE THE LAW INCORPORATING THE CITY OF ST. LOUIS, AND THE SEVERAL ACTS AMENDATORY THEREOF, INTO ONE ACT, AND TO AMEND THE SAME.

### ARTICLE I.

*Of Boundaries, General Powers, and Formation of Wards.*

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. All that district of country contained within the following limits, to-wit: Beginning at a point in the middle of the main channel of the Mississippi river, due east to the southeast corner of St. George, in St. Louis county; thence due west, to the west line of second Carondelet avenue; thence north, with the said west line of said avenue, to the north line of Chouteau avenue; thence northwardly, in a direct line to the mouth of Stony creek; thence due east to the middle of the main channel of the Mississippi river; thence southwardly, with the middle of the main channel of the Mississippi river, to the place of beginning, is hereby erected into a city, by the name of "The City of St. Louis."

SEC. 2. That the inhabitants of the city of St. Louis, as the same extends and is laid out above, be, and they and their successors forever are, hereby constituted a corporation and body politic, in fact, and in law, by the name and style of "The City of St. Louis," and by the same name shall have perpetual succession, shall sue and be sued, implead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatsoever; may purchase, receive and hold property, real and personal, within said city, and may sell, lease or dispose of the same for the benefit of the city; and may purchase, receive and hold property, real and personal, beyond the limits of the city, to be used for the burial of the dead of the city; also for the erection of waterworks to supply the city with water; and also for the establishment of a hospital, for the reception of persons infected with contagious and other diseases; also, for a poorhouse, workhouse, or house of correction; and may sell, lease, or dispose of such property for the benefit of the city; they shall have and use one common seal, and may break, change, alter, and make a new seal at pleasure.

SEC. 3. The city of St. Louis shall be divided into six wards, the boundaries whereof shall be fixed by the city council, and be by the council changed from time to time, as they shall see fit, having regard to the number of free white male inhabitants, so that each ward shall contain, as near as may be, the same number of free white male inhabitants.



## ARTICLE II.

*Of the City Council.*

SECTION 1. There shall be a city council, to consist of a board of aldermen and a board of delegates.

SEC. 2. The board of delegates shall be composed of two members for each ward, to be chosen by the qualified voters of the several wards, for one year.

SEC. 3. The board of aldermen shall consist of two members for each ward, chosen by the qualified voters, for two years.

SEC. 4. No person shall be an alderman or delegate unless he be a citizen of the State of Missouri, and shall have resided within the city limits one year next preceeding his election, and be a *bona fide* resident of the ward for which he is elected.

SEC. 5. If any alderman or delegate shall, after his election, remove from the ward for which he was chosen, his office shall be thereby vacated.

SEC. 6. Immediately after the board of aldermen shall be assembled, in consequence of the first election, the aldermen shall be divided into two classes: the seats of those of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year, so that one-half may be chosen every year.

SEC. 7. The board of aldermen shall elect one of their number to be president of the board, and the board of delegates shall elect one of their number to be chairman thereof.

SEC. 8. Each board may appoint their clerks and such other officers, servants, and agents, as they shall, respectively, deem necessary in the transaction of their business.

SEC. 9. Each board shall be the judge of the elections, returns, and qualifications of its own members, and shall determine contested elections.

SEC. 10. The majority of each board shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each board may prescribe.

SEC. 11. Each board may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds of all the members elected, expel a member, but not a second time for the same offense.

SEC. 12. Each board shall keep a journal of its proceedings, and, as soon as practicable, publish the same in two newspapers of the city, which papers shall be of different politics; and the yeas and nays of the members on any question shall, at the desire of any two of those present, be entered on the journal.

SEC. 13. Neither board, during the session of the city council, shall, without the consent of the other, adjourn for a longer period than two days.

SEC. 14. No alderman or delegate shall, during the term for which he was elected, be appointed to any office under the city.

SEC. 15. All vacancies that shall occur in either board shall be filled by election, in such manner as shall be provided for by ordinance.

SEC. 16. Each alderman and delegate shall, before entering on the duties of his office, take an oath that he will support the constitution of the United States and of this State, and the provisions of this charter, and that he will faithfully demean himself in office.

SEC. 17. Whenever there shall be a tie in the election of aldermen or delegates, the judges of elections shall certify the same to the mayor, who shall immediately thereupon issue his proclamation, stating such facts, and ordering a new election.

SEC. 18. There shall be two stated sessions of the city council every year, and they shall be held on the second Mondays of May and October, at such places as shall be prescribed by ordinance.

SEC. 19. Upon the passage of all bills appropriating money, or bills imposing taxes, increasing, lessening, or abolishing licenses, and of all

bills borrowing money, the yeas and nays shall be entered on the journals.

SEC. 20. All bills shall be read in each board on three several days, unless two-thirds of the members elected of the board shall dispense therewith.

SEC. 21. A majority of all the members elected, of each board, shall be necessary to pass a tax bill, bills appropriating, for any purpose, the sum of five hundred dollars or upward, and bills in anywise increasing or diminishing the city revenue.

### ARTICLE III.

#### *Of the Legislative Power.*

SECTION 1. The appropriations of the city council for payment of interest, for improvements and for city expenses, during any one fiscal year, shall not exceed the amount of the income of the preceding fiscal year; but it shall be lawful for said council to apply any surplus moneys in the treasury to the extinguishment of the city debt, (or the creation of a sinking fund for the payment of said debt,) or to the completion of the city waterworks; but the said council shall apply the revenue received from wharfage (deducting the expense of collecting of the same, and other incidental expenses attendant thereon) to the improvement of the wharf, until the same be completed.

SEC. 2. The mayor and city council shall have power, within the city, by ordinance—

*First*—To levy and collect taxes, not exceeding one per centum, upon all property made taxable by law for State purposes.

*Second*—To borrow money on the credit of the city.

*Third*—To appropriate money and provide for the payment of the debt and expenses of the city.

*Fourth*—To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and enforce the same within ten miles of the city.

*Fifth*—To establish hospitals, and make regulations for the government thereof.

*Sixth*—To make regulations to secure the general health of the inhabitants, and to prevent, abate and remove nuisances at the expense of the owners or occupants of the parties upon whose grounds they may exist.

*Seventh*—To provide the city with water, and to erect hydrants, fire-plugs, and pumps in the streets, within or beyond the boundaries of the city, for the convenience of the inhabitants of the city and environs.

*Eighth*—To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve, clean, and keep in repair, streets, avenues, lanes and alleys, wharves, and public grounds and squares; but the mayor and city council shall not establish or open a street, lane, avenue, or alley through the grounds lying and being situate between Ninth street and Eleventh street, and Washington avenue and Green street, without the written assent of the proprietors of the St. Louis University, so long as the building now used as a university remains erected thereon.

*Ninth*—To establish, erect and keep in repair bridges, culverts, and sewers, and regulate the use of the same; to establish, alter, and change the channels of water courses, and to wall them up and cover them over.

*Tenth*—To provide for lighting the streets and erecting lamps thereon.

*Eleventh*—To establish, support and regulate night watches and patrols.

*Twelfth*—To erect market-houses, establish markets, and market places, and provide for the government and regulation thereof.

*Thirteenth*—To provide for the erection of all needful buildings for the use of the city.

*Fourteenth*—To provide for enclosing, improving and regulating all public grounds belonging to the city.

*Fifteenth*—To improve and preserve the navigation of the Mississippi river within the city.

*Sixteenth*—To erect, repair and regulate public wharves and docks; to

regulate the erection and repair of private wharves, and to fix the rates of wharfage thereat: *Provided*, The rates of wharfage at private wharves shall be the same as at public wharves.

*Seventeenth*—To regulate the stationing, anchorage and mooring of vessels within the city.

*Eighteenth*—To license, tax, and regulate auctioneers, grocers, merchants, retailers, and taverns, and to license, tax, regulate and suppress ordinaries, hawkers, peddlers, brokers, pawnbrokers and money changers.

*Nineteenth*—To license, tax and regulate hackney carriages, omnibuses, wagons, carts, and drays, and fix the rates to be charged for the carriage of persons, and of wagonage, cartage and drayage of property.

*Twentieth*—To license and regulate porters, and to fix the rates of portorage.

*Twenty-first*—To license, tax, regulate and suppress theatrical and other exhibitions, shows and amusements.

*Twenty-second*—To license, tax, restrain, prohibit and suppress billiard tables, tippling-houses and dram-shops; and to suppress gaming and gaming-houses, and other disorderly houses, and to suppress bawdy houses.

*Twenty-third*—To provide for the prevention and extinguishment of fires, and to organize and to establish fire companies; also, to regulate, restrain or prohibit the erection of wooden buildings, and to provide for the removal of the same, when erected contrary to the ordinances of the city; to regulate and prevent the carrying [on] of manufactures dangerous in causing or producing fires, or dangerous or injurious to health; to appoint fire wardens and property guards, with power to remove and keep away from the vicinity of any fire all idle and suspicious persons lurking near the same; and to compel any person or persons present to aid in extinguishing such fire, or in the preservation of property exposed to the danger of the same, and in preventing goods from being purloined thereat, and with such other powers and duties as may be prescribed by ordinance; to compel the owners of houses and other buildings to have scuttles upon the roof of any such houses and buildings, and stairs or ladders leading to the same.

*Twenty-fourth*—To regulate and order the cleaning of chimneys, and to fix the fees thereof.

*Twenty-fifth*—To regulate the storage of gunpowder, tar, pitch, resin, hemp, cotton, and all other combustible materials, and the use of lights and candles in stables, shops, and other places; to remove or prevent the construction of any fire-place, hearth, chimney, stove, oven, boiler, kettle, or apparatus used in any house, building, manufactory or business, which may be dangerous in causing or promoting fires; to direct the safe construction of deposits for ashes, and, severally, to enter into, or to appoint one or more officers, at reasonable times, to enter into, and examine all dwelling houses, lots, yards, enclosures, and buildings of every description, in order to discover whether any of them are in a dangerous state, and to cause such as may be dangerous to be put in safe and secure condition.

*Twenty-sixth*—To regulate and prescribe the manner and order of the building of partition and of parapet walls, and of partition fences.

*Twenty-seventh*—To establish standard weights and measures, and regulate the weights and measures to be used in the city, in all cases not otherwise provided by law.

*Twenty-eighth*—To provide for the inspection and measuring of lumber, and other building materials.

*Twenty-ninth*—To provide for the inspection and weighing of hay and stone coal, the measuring of charcoal, firewood, and all other fuel to be used in the city.

*Thirtieth*—To provide for, and regulate the inspection of, beef, pork, flour, meal, oils, whisky, and other spirituous liquors, in barrels, hogsheads and other vessels; *Provided*, That nothing in this act shall be so construed as to authorize the inspection of any article enumerated in this



act, which is to be shipped beyond the limits of this State, except at the request of the owner or owners thereof, or of the agent having charge of the same.

*Thirty-first*—To regulate the inspection of butter, lard, and other provisions; to regulate the vending of meat, poultry and vegetables; to restrain and punish the forestalling of poultry, butter, eggs and fruit, and to suppress hucksters.

*Thirty-second*—To regulate the weight, quality and price of bread to be sold and used in the city.

*Thirty-third*—To regulate the size of bricks made or used in the city.

*Thirty-fourth*—To provide for the taking an enumeration of the inhabitants of the city.

*Thirty-fifth*—To regulate the election of all the elective city officers, and to provide for removing from office any person holding an office created by this act, or by ordinance, not otherwise provided for.

*Thirty-sixth*—To provide for the appointment of all officers, servants and agents of the corporation, not otherwise provided for.

*Thirty-seventh*—To fix the compensation of the city officers, and regulate the fees of all jurors, witnesses and others, for services rendered under this act or any ordinance.

*Thirty-eighth*—To regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinance, and provide for the recovery and appropriating such fines and forfeitures, and the enforcement of such penalties.

*Thirty-ninth*—To erect a workhouse and house of correction, and provide for the regulation and government thereof.

*Fortieth*—To create the office of port warden, and define the duties thereof; and to regulate and license all ferries within the limits of the city.

*Forty-first*—To levy and collect a poll tax, not exceeding fifty cents, upon every free white male person over twenty-one years of age, who shall have resided six months within the city.

*Forty-second*—To remove all obstructions from the sidewalks, and to provide for the construction and repair of all sidewalks and curbstones, and to provide for the construction and repair of all sidewalks, and for the cleaning of the same, and of the gutters, at the expense of the owners of the ground fronting thereon.

*Forty-third*—To prevent and restrain any riot, rout, noise, disturbance, or disorderly assemblages in any street, house or place in the city.

*Forty-fourth*—To prevent and remove all encroachments into and upon all streets, lanes, avenues and alleys established by law or ordinance.

*Forty-fifth*—To exercise complete and perfect control over the common, and all of the property belonging to the city, real or personal, whether lying within or beyond the limits of the corporation created by this act, and the same to lease, sell, transfer and dispose of, either absolutely or with limitation, to any person or persons whatsoever; and generally to make such rules, regulations, by-laws and ordinances, for the purpose of maintaining the peace, good government and order of the city of St. Louis, and the trade, commerce and manufactures thereof, as the city council may deem expedient, not repugnant to the constitution or laws of the State; and also to enforce the observance thereof, by inflicting penalties upon any inhabitant thereof, or other person or persons, for the violation of any ordinance, not exceeding five hundred dollars for any one offense, recoverable with costs, in any action of debt, by and in the name of the city of St. Louis, for the use of the city, before any court having cognizance of the same.

*Forty-sixth*—To drain and keep drained Chouteau's pond, whenever they deem it best so to do for the general health.

SEC. 3. The city council shall have power (subject to the restriction in the last clause of the preceding section but one) to make all ordinances which shall be necessary and proper for carrying into effect the powers specified in the preceding section, and all other powers vested by this act in the corporation, the city government, or any department or officer thereof.



SEC. 4. No money shall be expended, nor shall any improvement be ordered, involving an expenditure of money, except by ordinance, the provisions of which shall be specific and definite.

SEC. 5. Every bill which shall have been passed by both branches of the city council, shall, before it becomes a law, be presented to the mayor for his approbation. If he approve the bill, he shall sign it; if not, he shall return it, with his objections, to the board in which it originated, which objections shall be entered at large on the journal, and the bill be reconsidered.

SEC. 6. If, after such reconsideration, three-fifths of all the members elected to the board in which the bill originated shall agree to pass the same, it shall be sent, together with the objections of the mayor, to the other branch of the city council, by which it shall in like manner be reconsidered, and if passed by three-fifths of all the members elected to that branch, it shall become a law.

SEC. 7. In all such cases the vote of both branches shall be taken by yeas and nays, and entered on the journals of each branch, respectively.

SEC. 8. If any bill shall not be returned by the mayor in five days (Sundays excepted) after it shall have been presented to him for his approbation, the same shall become a law in the same manner as if he had approved and signed it.

SEC. 9. Every resolution to which the concurrence of both branches of the city council shall be necessary (except in case of adjournment) shall be presented to the mayor, and, before the same shall take effect, shall be proceeded upon in the same manner as in case of a bill.

SEC. 10. The style of the ordinances of the city shall be: "Be it ordained by the city council of the city of St. Louis."

SEC. 11. All ordinances passed by the city council shall, within five days after they become laws, be published in two newspapers published in the city of St. Louis, which shall be of different politics. Each board may cause a correct abstract of its proceedings to be made out and published in at least two of the newspapers of the city, of different politics. This abstract shall present the substance of all petitions, memorials, and remonstrances, of all motions and propositions, and of all bills, resolutions and orders, so as to exhibit their nature and import, and shall also present a brief and accurate statement of all proceedings in relation thereto. The communications of the mayor, and of other city officers, shall be published in full, in the papers publishing the proceedings of the boards, but the boards shall so order as not to incur the expense of publishing the same documents a second time; whenever the publication herein provided for shall be ordered, the publication of the journals of proceedings in full shall be dispensed with.

SEC. 12. All ordinances of the city may be proven by the seal of the corporation, and, when printed and published by authority of the corporation, the same shall be received in evidence in all courts and places, without further proof.

SEC. 13. The president of the board of aldermen shall exercise the duties and receive the compensation of mayor, whenever, and so long as, from any cause, said office of mayor shall be vacant, or the mayor be absent from the city.

#### ARTICLE IV.

##### *Executive and Ministerial Offices.*

SECTION 1. The chief executive officer of the city shall be the mayor, who shall be elected by the qualified voters of the city, and who shall hold his office for the term of one year, and until his successor is duly elected and qualified.

SEC. 2. No person shall be mayor who, at the time of his election, is not possessed of the qualifications required for an alderman or delegate, or who holds any lucrative office under the authority of the United States.

SEC. 3. When two or more persons shall have an equal number of votes for the office of mayor, the two branches of the city council shall decide the election by joint vote.

SEC. 4. Whenever an election for mayor shall be contested, the two branches of the city council shall determine the same by joint vote.

SEC. 5. Whenever any vacancy shall happen in the office of mayor, it shall be filled by election in such manner as shall be provided for by ordinance.

SEC. 6. The mayor may be removed from office for any misdemeanor, by a majority of two-thirds, on joint vote, of both branches of the city council.

SEC. 7. The mayor shall have power to nominate, and, by and with the consent of the board of aldermen, to appoint all city officers not ordered by this act to be otherwise appointed; also, to suspend, and, with the consent of the board of aldermen, to remove any city officer, except those elected by the people; he shall take care that the laws of the State and the ordinances of the city are duly enforced, respected and observed within the city; he may remit fines, forfeitures and penalties accruing from, or imposed for, the violation of any ordinance of the city; he may fill all vacancies which may occur in any elective office other than that of alderman or delegate, until the same be filled by election, and in any other office until the end of the session of the board of aldermen which shall next happen after the vacancy shall have occurred; he shall, from time to time, give to the city council information relative to the state of the city, and shall recommend to their consideration such measures as he shall deem expedient for the advantage of the city.

SEC. 8. The mayor may call special sessions of the city council, or either board thereof, by proclamation.

SEC. 9. Whenever a special session of the city council, or either board thereof, shall have been called by the mayor, he shall state to them, when assembled, the cause for which they have been convened.

SEC. 10. There shall be a city register, city auditor, city treasurer, city marshal, city attorney, and city engineer, who, in addition to the duties prescribed by this act, shall perform such other duties as may be prescribed by ordinance; there shall also be such other officers, servants and agents of the corporation, as may be provided by ordinance, to be appointed by the mayor, by and with the advice and consent of the board of aldermen, and to perform such duties as may be prescribed by ordinance.

SEC. 11. The city register, city auditor, city attorney, and city marshal, shall be elected by the qualified voters for the office of mayor, aldermen and delegates; and the city engineer and city treasurer shall be appointed by the mayor, by and with the advice and consent of the board of aldermen; they shall hold their office for one year, and until their successors are duly qualified.

SEC. 12. It shall be the duty of the city register to keep a record of all the official acts of the mayor, and, when necessary, to attest them; he shall keep and preserve in his office the common seal of the city, and all records, public papers and documents of the city not properly belonging to any other office.

SEC. 13. It shall be the duty of the city auditor to prescribe the mode of keeping, stating and rendering all accounts, unless otherwise provided by ordinance, between the city and any person or body corporate.

SEC. 14. It shall be the duty of the city treasurer to receive and keep the money of the city, and to pay out the same on warrants drawn by the auditor.

SEC. 15. The city marshal shall, within the city, in matters of a criminal nature, arising under any law of the State, possess the same powers, perform the same duties, and receive the same compensation as either constable of St. Louis township; he shall execute and return all process issued by the mayor, recorder, any alderman or justice of the peace, under this act, or any ordinance of the city.

SEC. 16. It shall be the duty of the city engineer to superintend the construction of all public works ordered by the city; to make out plans and estimates thereof, and to contract for the execution of the same; and to perform all surveying and engineering ordered by the city: *Provided, however,* Such plans and contracts shall be first approved by the two boards of the council, or they shall not be valid.

SEC. 17. The mayor and all other officers of the corporation shall reside within the limits of the city during their continuance in office; and if the mayor of the corporation shall cease to reside within the limits of the same, his office shall be thereby vacated.

SEC. 18. There shall be a recorder, who shall be a resident of the city and shall possess the same qualifications as the mayor, under the provisions of this act, who shall be elected at the same time the mayor and aldermen are elected, and shall hold his office two years, and until his successor is duly elected and qualified; such recorder may be removed from office in the same manner as the mayor; he shall have the same jurisdiction as justices of the peace within the limits of the city, in all State cases; he shall have a jurisdiction over all cases arising under any ordinance of said city, subject, however, to an appeal, in all cases, to the St. Louis criminal court; and every such appeal shall be taken and granted in the same manner as appeals are taken from and granted by justices of the peace to the criminal court, under the general law of the State. He shall charge, in all cases, the same fees which are now allowed justices of the peace for the same kind of services, which shall be charged and collected as other costs, and, when collected, paid into the city treasury.

SEC. 19. The recorder shall make a semi-annual report of all fees charged for his services, which report shall be verified by affidavit and returned to the mayor, who shall submit the same to the first meeting of the city council thereafter.

SEC. 20. The recorder shall receive a salary not to exceed twelve hundred dollars per annum, to be fixed by ordinance, and paid out of the city treasury.

## ARTICLE V.

### *Of Elections.*

SECTION 1. A general election for all the officers of the corporation, required to be elected by this act or any ordinance of the city, shall be holden on the first Monday of April in each year.

SEC. 2. At all elections for city officers the voters shall vote by ballot, and only in the wards wherein they respectively reside.

SEC. 3. Judges of election shall be appointed by the board of aldermen; they shall take an oath to faithfully and impartially discharge their duties; they shall open the polls at sunrise and close them at sunset, when they shall forthwith proceed to ascertain and certify the result of the election, in presence of so many of the candidates or other persons of all parties, indiscriminately, as can be conveniently accommodated in the room selected for that purpose: *Provided*, That there shall never be less than ten voters present at any count, if so many desire to be present.

SEC. 4. No election shall be held in a grogshop, or other place where intoxicating liquors are vended.

SEC. 5. All persons qualified as electors under the tenth section of the third article of the constitution of the State of Missouri, who shall have resided six months within the city, and one month within the ward where they offer to vote, next preceding the election, shall be deemed qualified voters at all elections for city officers.

SEC. 6. Elections for city officers shall continue but one day, and during that day the polls shall not be closed under any pretense whatsoever.

SEC. 7. Special elections to fill vacancies shall be held under such regulations as may be provided for by law or ordinance.

## ARTICLE VI.

### *Of Opening and Improving Streets.*

SECTION 1. It shall not be lawful for the city council to grade, pave, macadamize, clean, water, or light any street, lane or avenue, not established and opened according to law and ordinance. It shall be lawful, nevertheless, for the city council to order the owner or owners of ground



fronting on any private alley, to keep the same clean, and, if necessary thereto, to direct him or them to pave the same.

SEC. 2. Whenever the city council shall, by ordinance, establish, open, widen or alter any street, lane, avenue, alley, wharf or public square, and it becomes necessary for that purpose to take private property, and no agreement can be made with the owner thereof, the corporation shall make a just compensation therefor to the person whose property is so taken, the amount whereof shall be ascertained as follows, to-wit: The mayor shall petition the circuit court of St. Louis county, in term time, or the judge thereof, in vacation, setting forth in his petition a particular description of the property sought to be condemned for public use, and, as far as known, the name or names of the owners or claimants thereof, and stating for what purpose the said private property is sought to be condemned, whether for establishing, opening, widening or altering a street, lane, avenue, alley, wharf or public square, and praying the court or judge to cause the damages to be assessed; on the presentation of which petition it shall be the duty of the court, in term time, or of the judge, in vacation, to cause the clerk to issue a precept to the sheriff, requiring him to summon twelve disinterested freeholders of the city, who shall attend at the courthouse, at a time to be specified in the precept, not less than five nor more than twenty days from the date thereof, and who shall be sworn diligently to inquire, and a true assessment to make, of the damages to be suffered by the owners of the property in question, and a true verdict to render, according to the law and the testimony. It shall be the duty of the mayor, at least three days before said petition is presented, to cause a notice, in writing, to be served on each of the owners (if known) of the property sought to be condemned, stating the time and place at which said petition shall be presented. If the owners, or any part of them, are not known to the mayor, he shall cause such notice to be published in at least three newspapers printed in the city of St. Louis, which notice shall be published at least six days before said petition is presented. In vacation, it shall be the duty of said judge to attend at the time designated for said inquest, together with the clerk of said court; and the judge shall preside at the same, and shall cause a record to be made of the said proceedings. Either party may except to any ruling of the judge or court, as in ordinary trials, and may, in like manner, appeal from his decisions to the supreme court; continuances to a day not more than twenty days distant, or new trials, may be granted for good cause, as in other actions, and the proceedings, as near as may be, shall conform to the proceedings in ordinary suits. Judgment shall be entered against the city in favor of the several owners, respectively, for the damages assessed by the jury, upon which judgment execution shall issue, as in other cases, at the end of ninety days from the date of the judgment; the officers of the court shall be entitled to the same fees as for like services in other cases. Whenever judgment is rendered, the city may proceed to take possession of the land, and appropriate the same to the purpose mentioned in the petition, without waiting for the termination of any appeal which may be taken.

SEC. 3. In all cases of condemnation of property for public use, the mayor may allege, in his petition, that the property sought to be condemned of right belongs to the city, and not to the claimant; and if such allegation is made, then the court or judge shall first proceed to try the question of title between the city and the claimants; and if the title to all or any part of the land is decided to be in said claimant or claimants, then the jury shall assess the damages sustained by the said claimant or claimants, as in other cases, to the extent to which they shall appear to be entitled by the finding on the first issue.

SEC. 4. When the owners of the major part of the front of all the property on the street, lane, avenue or alley proposed to be opened, widened or altered, shall petition therefor, the city council may provide, by ordinance, for the opening, widening or altering the same; but they may prescribe such conditions, to be complied with by the petitioners, as the council shall consider just and reasonable, and, if assented to by the petitioners, the mayor shall proceed as in other cases.



SEC. 5. The mayor and city council shall have power, by ordinance, to levy and collect a special tax on the owners or occupiers of the lots on any street, lane, or avenue, according to the respective fronts owned or occupied by them, for the purpose of grading or paving the sidewalks on such street, lane, or avenue: *Provided*, The said special tax shall not exceed the cost of such grading or paving, according to the respective fronts as aforesaid: and *Provided, further*, That no such improvement shall be ordered until the street in front of such improvement shall have first been planked, paved, or macadamized, in the center thereof.

## ARTICLE VII.

### *Miscellaneous Provisions.*

SECTION 1. The city council shall, at least once a year, not more than thirty nor less than twenty days before the annual election, cause to be published in the newspapers employed to do the city printing, a full statement of all the receipts and expenditures of every description for the current fiscal year, including all the moneys which have passed through the hands of the controller or treasurer, for any purpose whatever, together with the different sources of the city revenue, the amount received under each, the several appropriations made by the said city council, the objects for which the same were made, and the sums expended for each; also, a statement of all money borrowed upon the credit of the city, whether by temporary loans, or by the issue of bonds, the terms upon which they were obtained, the authority under which they were borrowed, and the purpose to which they were applied, and how much of the same, or other city indebtedness, has been repaid, and by what means. The statement shall also include a detailed account of the city property, existing debts of every description, with all such other information as may be necessary for a full understanding of the financial concerns of the city.

SEC. 2. All ordinances and resolutions now in force in the city of St. Louis, and not inconsistent with this act, shall remain in force until altered, modified, or repealed, under this act.

SEC. 3. All suits, actions, and prosecutions, instituted, commenced or brought about by the corporation hereby created, shall be instituted, commenced and prosecuted in the name of "The City of St. Louis."

SEC. 4. All actions, fines, penalties, and forfeitures, which have accrued to the city council of the city of St. Louis, or to the city of St. Louis, shall be vested in, and prosecuted for, by the corporation hereby created.

SEC. 5. All property, real and personal, heretofore belonging to the inhabitants of the town of St. Louis, or to the trustees of said town in their corporate capacity, or to the mayor, aldermen and citizens of the city of St. Louis, or to the city council of the city of St. Louis, or to the city of St. Louis, shall be, and the same is hereby declared to be, vested in the corporation hereby created.

SEC. 6. This charter shall not invalidate any act done by the mayor, aldermen, and citizens of the city of St. Louis, or the city council of the city of St. Louis, or the city of St. Louis, nor divest them of any right which may have accrued to them prior to the passage of this act.

SEC. 7. The general assembly may, at any time, alter, amend, or repeal, this charter.

SEC. 7. This act is declared to be a public act, and may be read in evidence in all courts of law and equity in this State, without proof.

SEC. 9. The mayor of the city of St. Louis shall, immediately after the passage of this act, take measures to promulgate this law within the limits of the city of St. Louis.

SEC. 10. The city of St. Louis shall have power to erect and organize a workhouse in St. Louis county; any person who shall fail or neglect to pay any fine or costs imposed on him by any ordinance of the city of St. Louis, for any misdemeanor or breach of any ordinance of said city, shall, instead of being committed to the jail of the county, be committed to the workhouse until such fine and costs be fully paid: *Provided, however*, That

no such imprisonment shall exceed the period of six months for any one offense.

SEC. 11. Every person so committed to the workhouse shall be required to work for the city at such labor as his health and strength will permit, within or without said workhouse, not exceeding ten hours each day, and for such work and labor the person so employed shall be allowed, exclusive of his board, fifty cents per day for each day's work, which amount shall go towards paying such fine and costs.

SEC. 12. The inhabitants of St. Louis are hereby exempted from working upon any road beyond the limits of the city, and from paying any tax to procure laborers to work upon the same.

SEC. 13. The city shall not, at any time, become a subscriber for any stock in any corporation.

SEC. 14. The city council shall have power, by ordinance, to provide for borrowing money for the following objects:

*First*—To complete the sewer on Biddle street, from Ninth street to the river.

*Second*—To build sewers on Poplar street, from Tenth street to the river; on Thirteenth street, from Washington avenue to Poplar street; and on Seventh street, from Olive street to Biddle street.

*Third*—To complete the town hall, and to purchase ground for and erect all public buildings necessary for the use of the corporation; and also to purchase wharves and public grounds, and to improve and keep the same in repair.

*Fourth*—To erect a new reservoir, and to extend and complete the waterworks.

*Fifth*—To complete the works necessary for the improvement of the harbor, and to improve unimproved streets.

*Sixth*—To erect a house of refuge and correction for juvenile offenders: *Provided, however*, That every ordinance for borrowing money shall specify the amount to be borrowed, and the object to which it is to be applied, and shall have been passed by two-thirds of the members elect of either board voting for the same; and, *Provided, further*, That no such ordinance shall be in force until the same shall have been submitted to the qualified voters of the city for their approval, at a special election to be held for that purpose only, and shall have been approved by the majority of the votes given at said election.

*Seventh*—To pay judgments against the city when there is otherwise no money in the treasury to meet the same; and, in case of money borrowed for this purpose, the same may be done upon a vote of two-thirds of the council, without submitting the same to the qualified voters of the city.

SEC. 15. The fiscal year of the city shall terminate on the day preceeding the second Monday of April in each year.

SEC. 16. There shall be a digest of the ordinances of the city, which are of a general nature, published within six months after the passage of this act, and a like digest within every period of three years thereafter.

SEC. 17. Whenever any revenue or other city officer, accountable as such for money received or receivable by him, shall neglect or refuse to pay into the treasury of the city the sum or balance reported by the auditor to be due from him to the city upon the adjustment of his account, the mayor shall order suit to be commenced, in the proper court, against such delinquent officer for such sum or balance, adding thereto the commissions of the delinquent, which shall be forfeited in every instance where suit is commenced and judgment obtained thereon, and an interest of six per cent. per annum from the time of receiving the money, or when it shall have been received, until it shall be paid into the treasury.

SEC. 18. In every case of delinquency, where suit has been or shall be instituted, a transcript from the books of the auditor, certified by him, shall be admitted as evidence, and the courts trying the cause may grant judgment and award execution accordingly.

SEC. 19. When suit shall be instituted against any delinquent, as aforesaid, the court where the same may be pending shall grant judgment at the return term, upon motion, unless the defendant shall, in open court (the city attorney being present), make oath or affirmation that he is

entitled to credits which had been, previous to the commencement of the suit, submitted to the consideration of the auditor and rejected, specifying each particular item so rejected, in the affidavit, and that he cannot then safely come to trial; oath or affirmation to this effect being made, subscribed and filed, if the court be thereupon satisfied, a continuance until the next succeeding term may be granted, but not otherwise.

SEC. 20. In suits, such as aforesaid, no claim for a credit shall be admitted upon trial but such as shall appear to have been presented to the auditor for his examination, and by him disallowed in whole or in part, unless it be proved to the satisfaction of the court that the defendant is, at the time of the trial, in possession of vouchers not before in his power to procure, and that he was prevented from exhibiting a claim for such credit to the auditor by some unavoidable accident.

SEC. 21. One-half, at least, of the revenue of each year shall be appropriated to defraying the back and current interest on the debt owing by the city, created by way of loans to her, the erection of waterworks, and lighting of the city conjointly; a separate account shall be kept of such appropriation and the disbursements thereof, and if any such appropriations shall be diverted from the appropriate objects, each member of the council voting for such misappropriation, and the mayor approving any bill or resolution making such misappropriation, shall be liable to the city in his individual estate to the amount of such misappropriation: *Provided, however,* Any excess at the end of any fiscal year, remaining after the expenses attendant on those objects are liquidated and paid, shall constitute a sinking fund for the discharge of the debt or debts of the city made by way of loans to her, and may be so appropriated; and if any appropriation be made in other respects contrary to this act, each member of the city council voting for such appropriation, and the mayor approving any bill or resolution making such appropriation, shall be liable to the city in his individual estate to the amount of such appropriation: *Provided, however,* Any excess, remaining after all legal appropriations for one year, shall constitute a sinking fund for the discharge of the debt of the city made by loans to her, and may be so appropriated.

SEC. 22. A separate account shall be kept of the revenue applicable to the different objects in this act indicated, and of the disbursements on account of each.

SEC. 23. At each session of the city council, stated or special, and on the first day thereof, the auditor and treasurer, under such penalty as may be prescribed by ordinance for neglect thereof, shall lay before each board of the council and the mayor, a statement showing the amount of income derived from the revenue of the preceding fiscal year, and the appropriations for the different objects to which the revenue is applicable during the then current fiscal year, certified by them jointly.

SEC. 24. No warrant, bill, or note, shall be issued by the city to any creditor of the city, for less than one thousand dollars, or the entire amount due by the city to such creditor, if the same be less than such sum, or the balance remaining due to such creditor, after the issue to him of such thousand dollar securities.

SEC. 25. All acts and parts of acts contrary to, and inconsistent with, the provisions of this act, or within the purview thereof, except the seventeenth section of the act entitled "An act to amend an act to incorporate the city of St. Louis," approved February 8, 1839, are hereby repealed.

SEC. 26. The present city council shall exercise all the powers and functions vested in the council under this act, until superseded under the same; and they shall, as soon as practicable, after the passage of this act, proceed to take an enumeration of the free white male inhabitants of the city, and to divide the city into wards, as prescribed by the same, and provide for elections, conformable to the same: *Provided, however,* The next election of aldermen and delegates shall not take place till after such enumeration and apportionment, but shall as soon thereafter as can be, which shall be prescribed by ordinance, and be, at least, within six months from the passage of this act.

SEC. 27. The second, third, fourth, seventh and eighth sections of an act entitled "An act for the improvement of the harbor opposite to St.



Louis," approved March 12, 1849, are hereby repealed, and the bonds already issued under authority of the said act shall constitute a portion of the debt of the city of St. Louis. (The effect of this amendment is to make the loan for improvement of harbor, opposite the south part of the city, chargeable to the general harbor loan.)

SEC. 28. The city marshal, and his deputies, and all police officers of the city, shall have power to make arrests at any place within the county of St. Louis.

SEC. 29. The county court of the county of St. Louis shall, annually, levy and collect a special tax of not exceeding one-twentieth of one per centum on the appraised value of all property within the township of St. Louis, and outside of the limits of the city, and shall pay the proceeds of the said tax, as soon as collected, into the treasury of the city; and the said proceeds shall be specially set apart and appropriated to the maintenance of a township police, to be appointed in the same manner, and to be subject to the same rules and regulations, as the city police, but to be stationed and employed outside of the limits of the city, and within the said township, for the better security of the inhabitants thereof: *Provided, however,* That no such tax be levied until the provisions of this section are ratified by a majority of the votes cast by the qualified voters of that part of the township subject to the tax, at an election to be held for that purpose, under an order of the county court; and if so ratified, then the jurisdiction of the city is hereby extended over the township for police purposes, and all persons arrested therein may be tried and punished, or committed, as in cases of arrest within the city proper.

SEC. 30. The city council shall have power to cause property, upon which general or special taxes, levied by the city, remain unpaid after the expiration of the time fixed by ordinance, to be sold, and to direct the manner and conditions under which property sold for taxes may be redeemed.

SEC. 31. All lands and lots of ground shall be assessed for taxation at their actual cash value; and all houses and other improvements shall be assessed and taxed with the ground on which they stand.

SEC. 32. The seventeenth section of the seventh article of the "Act to incorporate the city of St. Louis," approved February 15th, 1841, is hereby repealed.

SEC. 33. This act shall not be so construed as to repeal or impair the force of the provisions of an act, entitled "An act supplemental to the several acts to incorporate the city of St. Louis, and to continue in force the law, known as the new limit law, as it now exists," passed at the session of the general assembly.

This act to be in force from its passage.

N. W. WATKINS,

*Speaker of the House of Representatives.*

THOS. L. PRICE,

*President of the Senate.*

Approved, March 3, 1851.

AUSTIN A. KING.

MISSOURI:

OFFICE OF SECRETARY OF STATE, }  
City of Jefferson. }

I, EPHRAIM B. EWING, Secretary of State, do certify, that the foregoing act of the general assembly of the State of Missouri, entitled "An act to reduce the law incorporating the city of St. Louis, and the several acts amendatory thereof, into one act, and to amend the same," approved March 3, 1851, is a true and perfect copy of the original roll on file in this office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said office, at the city of Jefferson, this eleventh day of [L. s.] March, A. D. 1851.

EPHRAIM B. EWING, *Secretary of State.*



# AMENDED CITY CHARTER.

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## AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO REDUCE THE LAW INCORPORATING THE CITY OF ST. LOUIS, AND THE SEVERAL ACTS AMENDATORY THEREOF, INTO ONE ACT, AND TO AMEND THE SAME," APPROVED MARCH 3, 1851.

*Be it enacted by the General Assembly of the State of Missouri, as follows :*

SECTION 1. The first section of the third article of the act to which this is amendatory is hereby repealed, and the following enactment shall take the place of said section, and have full force and authority as part of the charter of the city of St. Louis, to-wit: The appropriations of the city council for payment of interest, for improvement, and for city expenses, except the proceeds of loans made in conformity to law for specific purposes, shall not exceed, during any one fiscal year, the income of said fiscal year. The revenue received from wharfage (deducting expenses of collecting the same, and other incidental expenses attendant thereon) shall be applied and appropriated exclusively to the improvement of the wharf, until the same be completed; and the harbor tax, and all other special taxes, shall be applied, respectively, to the objects to which they are applicable by law: *Provided, however,* That, next after the special appropriations above named, a sum sufficient to pay the accruing interest on the city debt shall be set apart and appropriated for that purpose before any appropriation for any other object is made, and from the sum so appropriated no deduction or transfer shall be made under any pretense whatever: *Provided, further,* That the council may issue new bonds for the purpose of paying bonds matured, and apply the proceeds to the payment of bonds so falling due, or may appropriate the surplus revenues of each year to the payment of such bonds, or the creation of a sinking fund for that purpose.

SEC. 2. The whole of the sixth article of the said amended charter shall be, and the same is hereby repealed, and the following shall be, and is hereby enacted and established as the law for opening and improving streets in the city of St. Louis, and shall be substituted for, and take the place of, said sixth article in the act referred to in the heading of this act, and of which this is amendatory, viz: ARTICLE VI. *Of opening and improving streets.* Section 1. It shall not be lawful for the city council to grade, pave, macadamize, clean, water, or light any street, lane, avenue, or wharf, not established and opened according to law and ordinance. It shall, nevertheless, be lawful for the city council to order the owner or owners of ground fronting on any private alley to keep the same clean, and, if necessary thereto, to direct him or them to pave the same. Sec. 2. Whenever the city council shall provide, by ordinance, for establishing, opening, widening, or altering any street, lane, avenue, alley, wharf, or public square, and it becomes necessary for that purpose to take private property, and no agreement can be made with the owner or owners thereof, just compensation shall be made therefor to the person or persons whose property is so taken, which the mayor shall cause to be ascertained by a jury of twelve disinterested freeholders of the city, the particulars of whose proceeding shall be prescribed by ordinance. Sec. 3.

The mayor shall appoint a day for impaneling a jury and ascertaining the damages, at least sixty days' notice of which shall be given to the persons whose property is proposed to be taken; and if any of the owners thereof are unknown, can not be found by the marshal of the city, or are absent from the city, (and the return of the marshal shall be conclusive as to the facts therein stated,) publication thereof shall be made in at least two of the city daily newspapers, for at least four weeks before the day appointed, notifying all owners and others interested in the property proposed to be taken, and in the improvements to be made, that, on the day therein named, the mayor will cause the property therein described to be condemned for public use, as an alley, street, lane, avenue, wharf, or square, as the case may be, and damages to be assessed therefor as herein provided; and such notice, by publication, as aforesaid, shall be binding upon all persons whatsoever having any interest in any property that may be charged by the verdict of the jury with the payment of any portion of the damages in consideration of benefits to be derived by them. *Sec. 4.* It shall be the duty of the jury, first, to ascertain the actual value of the land proposed to be taken for the opening, widening, or altering of a lane, alley, street, avenue, wharf, or public square, without reference to the proposed improvement; then, for the payment of such sum, to assess against the city the value to the public generally of the proposed improvement, and to assess the balance against the owner or owners of the property fronting on such lane, alley, street, avenue, wharf, or square, and in the blocks next adjacent, on either side or end thereof, according to the value of the property so assessed, and in the proportion that the owners thereof may be respectively benefited by the proposed improvement; and the sum or sums to be paid by the owner or owners of property respectively benefited by the improvements, as ascertained by the jury, shall be a lien or liens upon the property so charged, and shall be collected as provided by ordinance. The verdict shall be signed by each juror and delivered to the mayor. *Sec. 5.* The mayor shall have power, for good cause shown, within ten days after any inquest shall have been returned to him, to set the same aside and cause a new inquest to be made. *Sec. 6.* If the verdict of the jury is not set aside by the mayor, it shall be his duty, within four months, to report the same to the council; and if an appropriation is made by the council within three months thereafter to pay the sum or sums awarded to be paid by the city, it shall then be lawful for the city to take possession of the ground so condemned to public use: *Provided, however,* That, if the title to the property proposed to be condemned is in controversy, nothing shall be paid therefor until the right to the money, ascertained by the verdict of the jury, is determined by the judgment of a court of competent jurisdiction, in a suit between the parties respectively claiming the same; none of the costs of which litigation shall be borne by the city, unless the city be one of the claimants, and during such controversy the money shall remain in the city treasury. *Sec. 7.* When the owners of the major part of the front of all the property on the street, lane, avenue, alley, or wharf, proposed to be opened, widened, altered, or established, shall petition the council therefor, the city council, if the improvement proposed by the petitioners is deemed expedient, shall provide, by ordinance, for the opening, widening, or establishing the same (but in that case no damages will be awarded to any of the petitioners), and the proceedings for the condemnation of property, so proposed to be taken, shall in other respects be conducted as is prescribed by this article, where it is sought to condemn property for public use without the petition of the property holders. *Sec. 8.* The mayor and city council shall have power, by ordinance, to levy and collect a special tax on the owners or occupiers of the lots on any lane, avenue, street, or wharf, according to the respective fronts owned or occupied by them, for the purpose of grading and paving the sidewalk, and setting curbstones in such street, lane, avenue, or wharf: *Provided,* The special tax shall not exceed the costs of such grading, paving, and curbing, according to the respective fronts aforesaid: and, *Provided, further,* That no such improvements shall be ordered until the street, lane, avenue, or wharf, in front of such improvement, shall have first been planked, paved,

or macadamized, in the center thereof. Such tax shall be a lien on the property charged therewith, and payment thereof shall be enforced as prescribed by ordinance.

SEC. 3. It shall be lawful for the city council to sell the stores erected on block seven, between Market and Walnut streets, and apply the proceeds of such sale to the extinguishment of the debt created for the purchase of the ground and building of said stores. And the third clause of the fourteenth article of the said act, whereof this is amendatory, is hereby declared to confer upon the council the power to purchase ground for and erect a town hall and other municipal buildings in any part of the city of St. Louis, and to issue the bonds of the city for the purpose, under the same restrictions as are provided in regard to other loans. And it is also hereby further declared that judgments against the city on account of the damages to private parties, in case of opening streets (except those embraced in the recent compromises made by the city in regard to the wharf), shall not be considered as ordinary judgments, payment of which is provided in the seventh clause of said seventh article of the said amended charter, approved, as aforesaid, March 3d, 1851; but such judgment shall be held in abeyance, and the city shall not take possession of the ground condemned until the issue of the bonds to pay the same shall be authorized by vote of the council, eight members in each board approving; and in case where the award against the city shall exceed the sum of ten thousand dollars, a vote of the people being also taken, as in other cases of making loans: *Provided, however*, That, if such action is not had within three months after the rendering of any such judgment or award against the city, the same shall be absolutely void and of no effect.

SEC. 4. In addition to the officers of the city now made elective by law, the following officers shall be elected by the people at the annual April election: Controller, treasurer, superintendent of workhouse, superintendent of waterworks, and harbor master: *Provided, however*, That any city officer now in office shall hold the same until the end of the term for which he was appointed and commissioned.

SEC. 5. The fourth section of the act entitled "An act for the improvement of the harbor of St. Louis," approved March 26th, 1845, and the twentieth section of the fourth article of the act to which this is amendatory, are hereby repealed; and the city council shall have power, by ordinance, to fix the compensation of all its members and other city officers.

SEC. 6. The twenty-first section of the seventh article of the act to which this is amendatory, so far as it conflicts with the first section of the third article thereof as herein amended, is hereby repealed.

SEC. 7. The second proviso to the sixth clause of the fourteenth section of the seventh article of the act of which this is amendatory, shall be and the same is hereby so changed and amended as to permit the vote of the citizens, in regard to any loan authorized by ordinance, to be taken at any general election held in the city, or at any special election held for that or any other purpose, if so ordered by the council in the ordinance proposing the loan.

SEC. 8. This act shall not be so construed as to repeal or impair the force of the provisions of an act entitled "An act supplemental to the several acts to incorporate the city of St. Louis, and to continue in force the law commonly called the new limit law, as it now exists," approved March 1st, 1851, and which shall be so construed as not to allow any of the new limit fund to be appropriated for repairing streets.

SEC. 9. The city of St. Louis shall have power to subscribe any amount of stock she may deem proper to any railroad to be constructed within the State of Missouri; and may issue her bonds to pay her subscriptions, for such length of time, and upon such terms and conditions, as she may deem proper, and take all steps she may think proper to protect her interest in any railroad to which she may or has subscribed any stock.

SEC. 10. The city of St. Louis shall have power to direct to be built, at the expense of the city, any main sewer necessary to carry out the general system of sewers adopted; and to borrow money for the purpose of making any public improvement that may be deemed necessary for the

city, or of acquiring any property for the public use of the city, and may, if necessary to accomplish the object, issue the bonds of the city, having not more than thirty years to run; but the authority hereby given shall not be exercised unless two-thirds of the city council shall pass an ordinance for the purpose, which shall be approved by the mayor; the sense of the qualified voters shall be taken at an election to be held for the purpose, after giving ten days' notice, in all the daily newspapers printed in the city of St. Louis, of the amount proposed to be borrowed, for what length of time, and for what purpose; and if a majority of those voting shall decide against making the loan, it shall not be made.

This act shall take effect from its passage.

Approved, February 23, 1853.

MISSOURI:

OFFICE OF SECRETARY OF STATE.

I, JOHN M. RICHARDSON, Secretary of State, hereby certify the foregoing is a correct copy of the original roll, on file in my office, of an act passed by the general assembly of the State of Missouri, entitled "An act to amend an act entitled an act to reduce the law incorporating the city of St. Louis, and the several acts amendatory thereof, into one act, and to amend the same," approved March 3d, 1851.

IN TESTIMONY WHEREOF, I hereto set my hand, and affix the seal of said office. Done at the office of Secretary of State, in the city of [L. S.] Jefferson, this 10th of March, 1853.

JOHN M. RICHARDSON, *Secretary of State.*

AN ACT

TO AMEND THE CITY CHARTER OF THE CITY OF ST. LOUIS.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. That clause four (4) of section two (2) of the amended city charter of the city of St. Louis, approved February 23d, 1853, be amended by striking out the words "and in the blocks adjacent on either side or end thereof," and insert the following: "and of the property benefited."

SEC. 2. That the said city charter be further amended, by adding the following in section two, of article three: "To levy and collect an annual *pro rata* tax on all fire insurance companies, for the purpose of defraying the expenses of the inspection of buildings, and investigating the causes of all fires."

This act to take effect and be in force from and after its passage.

Approved, March 5, 1855.

AN ACT

SUPPLEMENTARY TO THE SEVERAL ACTS TO INCORPORATE THE CITY OF ST. LOUIS.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. The cost of grading, paving, repairing and repaving sidewalks, curbing and gutters alongside included, and of repaving the entire carriage-way, gutter included, of any street, or any portion of any street; also, the cost of grading, paving or repairing the pavements of any alley in the city of St. Louis, shall be borne by the owners of the adjoining property.

SEC. 2. The city engineer is hereby empowered, under the control of the city council, to repair and keep in repair all streets and alleys in the



city of St. Louis, and to that end cause all the work to be done mentioned in the foregoing section.

SEC. 3. In those cases where the city council shall deem it necessary, and also in all cases where the owners of the major part of the lots or lands fronting on any paved street, or portion of a paved street, or any paved alley, or portion of a paved alley, may petition for repaving the same, the city council shall cause such repaving to be done in manner prescribed by ordinance.

SEC. 4. In those cases where the city council shall deem it necessary, and also in all cases where the owners of the major part of the lands or lots fronting on any alley, or portion of an alley, shall petition for the grading and paving of the same, the city council may cause such grading and paving to be done in manner to be prescribed by ordinance.

SEC. 5. The cost of all grading, paving, repairing and repaving done in any street, or alley, or portion thereof, and which is to be borne by the owners of the adjoining property, shall be apportioned and charged on the adjoining lots in proportion of their front, in manner to be prescribed by ordinance, and shall be paid by the owners of such lots respectively, and the city engineer shall make out and hand to the respective city collectors for collection, on the first Mondays of May and November in each year, the accounts of such apportioned cost of the improvements made during the six months on the tenth day of April and October next preceding the first Monday of May and November, and the owners of the lots charged therewith shall be bound to pay said cost, charged like liabilities contracted by themselves, and may be sued therefor accordingly; and the lots or lands charged shall also be held by a lien for the respective apportioned share of such cost, until the same, with all cost attending the collection, be fully paid; such lien may be enforced by a special tax, levy and sale, or also by proceedings at law, all according to such proceedings, and in such manner, as may be prescribed by ordinance; and any share of such cost which shall not be paid at the time the same is made payable by ordinance shall, until paid, bear and be chargeable with such rate of interest as the city council may ordain, not exceeding, however, twenty per centum per annum.

SEC. 6. The city council shall, by ordinance, establish a "special street and alley tax fund," which shall be charged and credited with all moneys collected and paid under the provisions of the foregoing section; and, in order to facilitate the carrying out of said provision, the next city council shall make an appropriation of not exceeding fifteen thousand dollars, and any city council thereafter may make an appropriation not exceeding five thousand dollars, during any fiscal year, for said "special street and alley tax fund."

SEC. 7. The time for completing the improvement of the unimproved streets within what is known as the old limits of the city, is hereby extended until the first day of March, eighteen hundred and fifty-seven.

SEC. 8. The city council shall cause all publications made by authority of the city to be inserted in the first columns of the first page of the newspapers doing the city printing.

Approved, March 5, 1855.

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## AN ACT

TO PROVIDE FOR THE REDUCTION OF THE CITY DEBT OF THE CITY OF ST. LOUIS.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. The mayor of the city of St. Louis, as soon as practicable after the passage of this act, and every two years thereafter, shall nominate to the board of aldermen an officer to be called "the fund commissioner," and when confirmed by the board, shall hold his office for two years, and until his successor is appointed and qualified, unless sooner removed for cause, whose duty it shall be to manage and control the sinking fund hereafter created.

SEC. 2. There is hereby created a sinking fund for the city of St. Louis, the proceeds of which shall be appropriated exclusively to the purchase of bonds issued by said city; said fund shall consist of the sales of the city stores in block number seven; also, three-fourths of the net proceeds of the sale of the city commons in the year 1854, and three-fourths of the net proceeds of the sales of the city commons and other lands belonging to the city, when further sales shall be made; also, all the railroad stock belonging to the city, in any railroad terminating in the city, or opposite to the same, in the State of Illinois; and, in addition thereto, the treasurer of the city shall, on the first Monday in October, in each and every year, pay over to the fund commissioner the sum of ten thousand dollars out of the general revenue of the city, which, together with the money, notes, and railroad stock above mentioned, shall constitute a perpetual and irrevocable sinking fund for the payment of the city debt. The city controller shall, as soon as said fund commissioner is appointed, and has executed bond for the faithful performance of his duties, deliver to said commissioner all the notes on hand, arising from the sale of the city stores and the sale of commons, which belong to said sinking fund; he shall also give to said commissioner an order on the treasurer for the money arising from said sales belonging to said sinking fund and now in the treasury, and shall take the receipt of the commissioner for said money and notes; and all other money hereafter derived from sale of the commons, and such other lands as may be sold by the city and belonging to said sinking fund, shall be paid and delivered to the commissioner without delay.

SEC. 3. The money and notes received by the commissioner from every source shall, as soon as received, be deposited at such bank, banking-house, or savings institution, as the mayor and commissioner may agree upon: *Provided, however*, That no bank, banking-house, or savings institution, shall be entrusted with such sinking fund until the president or principal thereof shall have executed in favor of the city of St. Louis a bond for one hundred thousand dollars, with such individual security as shall be satisfactory to the mayor, conditioned for the safe keeping and for the prompt payment of said sinking fund, or any part thereof, whenever the same may be demanded by said fund commissioner; which deposit shall be to the special credit of the city, to be drawn out only upon the check of the commissioner, made payable to the order of the mayor, and indorsed by him; and interest at the rate of four per centum per annum shall be required and accounted for, for all deposits made in bank or banking establishment by said commissioner; and said fund commissioner shall, at all times, keep the mayor fully advised of his transactions as fund commissioner, and the mayor and the chairmen of the committees of ways and means of the respective boards of the city council shall constitute a committee to examine, quarterly, the books, accounts and vouchers of the fund commissioner, and make a report thereon, to be filed in the controller's office. The fund commissioner shall also make a semi-annual report to the city council, in the months of January and July of each year, giving a detailed account of the condition of the sinking fund, and of his transactions as fund commissioner.

SEC. 4. The fund commissioner, as fast as money comes into his hands in suitable amounts, shall invest the same in bonds of the city, and when purchased, they shall be cancelled in the presence of the mayor and controller, together with all coupons having more than ten years to run from the date of the purchase; and the fund commissioner shall have credit for the bonds so cancelled; but all coupons attached to the bonds so purchased, falling due within ten years from the date of the purchase, shall be cut off and retained by the commissioner and collected by him at maturity, as other coupons, and the proceeds added to said sinking fund; and on failure to pay said coupons, said commissioner may cause them to be protested, and enforce their collection against the city in his own name, as though they were his individual property, and he shall stand charged with the coupons so retained.

SEC. 5. As soon as the respective railroads, in which the city has taken

stock, are completed, he shall give, in his semi-annual report to the city council, such general information as he may possess about the value of the stock in the respective roads, and the city council may at any time, by ordinance, direct the stock held in any of said roads to be sold, and and the proceeds invested in the purchase or redemption of city bonds; and all dividends derived from any road, over and above the interest due on the bonds issued in payment for the railroad stock for the current year, shall be added to the sinking fund.

SEC. 6. The fund commissioner shall give bond to the city in the sum of one hundred thousand dollars, conditioned for the faithful performance of his duties, with good and sufficient security, to be approved by the mayor; and no person shall be eligible for the office of commissioner who is not a citizen of the United States, and who has not resided in the city or county of St. Louis at least seven years previous to the date of his appointment; and such commissioner may, at any time after notice given, be removed for cause, by a vote of two-thirds of the board of aldermen, the cause of removal to be spread upon the record of their proceedings. In case of the death, removal or resignation of the commissioner, the mayor shall fill the vacancy by an appointment for the remainder of the term.

SEC. 7. Any fund commissioner who shall appropriate to his own use any money, bonds, notes, or other securities, in his hands, belonging to the city, or who shall refuse to deliver the same to his successor in office, or to any person entitled to receive the same, shall be deemed guilty of embezzlement.

SEC. 8. The city council shall, by ordinance, provide for the compensation of the fund commissioner, and the necessary expenses of the office.

SEC. 9. So much of an act entitled "An act to amend an act to reduce the law incorporating the city of St. Louis, and the several acts amendatory thereof, into one act, and to amend the same," approved, February twenty-third, eighteen hundred and fifty-three, as conflicts with the foregoing, be, and the same is hereby, repealed.

This act shall take effect and be in force from and after its passage.

Approved, March 5, 1855.

## AN ACT

### TO PREVENT RIOTS AND BREACHES OF THE PEACE.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. If two or more persons shall, voluntarily, or by agreement, engage in any fight, or use any blows or violence toward each other, in an angry or quarrelsome manner, or do each other any willful mischief; or if any person shall assault another and strike him, in any public place, to the terror or disturbance of others, the person or persons so offending shall be deemed guilty of an affray, and, on conviction, shall be punished by being imprisoned in the county jail for a term not exceeding three months, or by fine not exceeding one hundred dollars, or by both such fine and imprisonment.

SEC. 2. If three or more persons shall assemble together with the intent, or, being assembled, shall agree mutually to assist one another to do any unlawful act with force or violence against the person or property of another, or against the peace, or to the terror of the people, such persons so assembling, or each of them, shall be deemed guilty of an unlawful assembly, and, on conviction thereof, shall be punished by imprisonment in the county jail for a term not exceeding six months, or by fine not exceeding five hundred dollars, or by both such fine and imprisonment.

SEC. 3. If three or more persons, being assembled, as mentioned in the second section of this act, shall proceed to carry out or accomplish their purposes, or do any unlawful act in furtherance or supposed further-



ance of said purposes, in a violent, unlawful or tumultuous manner, to the terror or disturbance of peaceful citizens, every person so offending, or who shall aid or assist in doing any unlawful act, shall be deemed guilty of a riot, and, being convicted thereof, shall be punished by imprisonment in the penitentiary of the State of Missouri for a period not exceeding five years, or by a fine not exceeding two thousand dollars, or by both such fine and imprisonment: *Provided*, That nothing in this section contained shall be construed to exempt any person offending against its provisions from any higher or heavier punishments annexed by law to any felony which may be committed by such rioters.

SEC. 4. Any individual engaged in such riot may be indicted and punished singly.

SEC. 5. If twelve or more persons, armed with clubs, stones, or other dangerous weapons, or if any number of armed or unarmed persons, exceeding twenty, shall unlawfully, riotously or tumultuously, assemble in any city or town within this State, it shall be the duty of the mayor and each member of the board of aldermen, and each member of the board of delegates, or other legislative council of such municipality, and of the sheriff, coroner and marshal, and their respective deputies, of the county in which such town or city is situate, and of each justice of the peace, including every person who is, by virtue of his office, a conservator of the peace of the State, to go among such persons so assembled, or as near to them as may be consistent with safety, and to command all such persons so assembled to disperse immediately, and repair to their respective places of business or abode; and if such command be not forthwith obeyed, to proceed to arrest all persons so refusing or failing to obey such command, and to command all bystanders or spectators to aid and assist in making such arrests.

SEC. 6. Every person so commanded to assist in making such arrest, and failing or refusing to assist as required, and every person who shall fail to disperse forthwith on being commanded as aforesaid, shall be deemed to be one of the unlawful assembly, and, on conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or imprisonment for a term not exceeding one year, or by both such fine and imprisonment.

SEC. 7. Should the persons so assembled, as described in the fifth section, make a noise and clamor, so that the voice of the officer commanding them to disperse cannot be heard or distinguished, all persons so clamorous, and all persons standing with, by or among such persons, shall be deemed to have full notice of command to disperse, and shall, on failure to do so forthwith, be punishable as for a wilful refusal to obey such command.

SEC. 8. Any magistrate or officer, mentioned in section five of this act, who shall be informed or have notice of such riotous assemblage, and who shall refuse or neglect to perform the duties enforced on him by said fifth section in that behalf, shall be, on conviction, adjudged guilty of a misdemeanor in office, and punished by a fine not exceeding five hundred dollars.

SEC. 9. If the persons assembled, as indicated in the fifth section of this act, shall fail to disperse without unnecessary delay, the following magistrates shall each, in the order in which they are hereinafter named, have power and authority to require the aid of a sufficient number of persons in arms or otherwise, and to proceed as they may deem expedient, and to repress and disperse such riotous assemblage and arrest offenders; that is to say, the duty of requiring the aid of such force, and directing its employment, shall devolve in the first instance on the mayor of the town or city in which such assemblage occurs, and if he be not present or not able to act, then on the judge of any court of record, the sheriff, the marshal, the coroner, or any two justices of the peace. In case of the absence of any of the officers mentioned in this section, the officer named after him therein, shall have all the power and authority which such absentee would have had if present.

SEC. 10. Such force, armed or unarmed, summoned as provided in the preceding section, and all persons co-operating with them, shall obey



such orders for the suppression of such riot as they may receive from the magistrates, or any of them to whom authority to require their aid is given by the ninth section of this act.

SEC. 11. If, by reason of the efforts made by any of such magistrates and officers, or persons co-operating with them, to suppress such riotous assembly or arrest those engaged in the same, any person so engaged in such riotous assembly, or giving aid or countenance thereto, or who may have refused to disperse, (although the number of such persons may be reduced to less than twelve,) or any person or persons present as spectators or otherwise, be killed, wounded, or otherwise hurt, such magistrates and officers, and all persons acting with them by order of such magistrates or officers, as defined in said ninth section, shall be held guiltless and justified in law; but if any such magistrate, officer, or person acting under their orders or directions, or co-operating with them, be killed or wounded by reason of resistance to such efforts to disperse and repress such riotous assemblage, all persons so riotously assembled, and not dispersing after command, and all persons standing by and not aiding to disperse and repress such riotous assemblage, shall be answerable therefor as for willful and deliberate felony or misdemeanor, according as the injuries committed be homicide, mayhem, or any less injury.

SEC. 12. All persons forming part of an unlawful and riotous assemblage shall be liable to any damaged person or property by the acts of such unlawful assemblage.

SEC. 13. The city or town in which such trespasses may be committed shall be liable to pay the person whose property shall be injured or destroyed thereby, three-fourths of the value thereof, or the damage thereto: *Provided*, Such person shall have diligently sought to prosecute, without being able to do so, the parties guilty of and liable for such trespasses, as provided by the twelfth section of this act.

SEC. 14. Any city or town paying such damages to the party injured by such riotous assemblage, may recover the same with ten per centum added thereto, besides interests and costs, of any person or persons engaged as a participant in such riotous assemblage, by action of debt or a civil suit analogous thereto, at any time thereafter.

SEC. 15. No town or city shall be liable, under the provisions of the thirteenth section of this act, for the damage or destruction of property of the following descriptions: *First*, property contained in any building or place, the occupant of which is carrying on business there, or engaged in a calling or avocation in violation of any law of Missouri or the United States, or ordinance of the town or city in which such property may be; *second*, property contained in any shop, house, place, or building, whereat either distilled or fermented liquors are sold or given in any quantity less than five gallons; *third*, all fixtures and furniture in such shops, houses, places, or buildings, mentioned in the second subdivision, and the shops, houses, places or buildings themselves; *fourth*, all money, bullion and jewelry, and objects of art, wherever found; *fifth*, all property, of whatever description, belonging to a person who may have been in any way contributory to, or instrumental in, bringing on such riotous assemblage.

SEC. 16. No person having such a demand or claim against a town or city, as is mentioned and provided for in section thirteenth, shall be allowed to assign or transfer the same at any time before the return day of the execution issued upon a judgment obtained therefor; and any attempt to assign or transfer the same, or any part thereof, shall be and shall operate as a satisfaction and discharge of such demand or claim, so far as any recourse against a town or city, under section thirteen of this act, is concerned, but not as against any person composing the riotous assemblage committing the trespass.

SEC. 17. Any mayor or chief magistrate of any town or city, being apprehensive of a riot or riotous assemblage within such town or city, may, by proclamation, require all minors to keep within doors for any length of time not exceeding three days, during that period of each astronomical day of twenty-four hours which intervenes between the end of one hour after sunset and the beginning of one hour before sunrise;

and all minors offending against such proclamation may be forthwith arrested, and, on conviction, may be imprisoned in the house of correction of such city, or other safe place of confinement, to be prescribed by ordinance of such city, for a period not exceeding thirty days.

SEC. 18. The mayor or chief magistrate of any town or city in this State may, by proclamation, cause all drinking shops, bars, and other places where intoxicating liquors or drinks are customarily sold, given or dispensed, to be closed for any period of time not exceeding thirty-six hours, upon any election for officers of the city, town, State, county, or of the United States; and may also, by proclamation, forbid all persons to sell, give, lend, barter, or otherwise dispense or distribute intoxicating drinks or liquors, during the same period of time, within such town or city, or within one mile of its corporate limits, and any person disobeying such proclamation, and each and every person aiding, abetting or co-operating with him, shall be immediately arrested and proceeded against by indictment, and, on conviction, shall be punished by imprisonment in the county jail for a time not exceeding one year, or by fine not exceeding five hundred dollars, or by both such fine and imprisonment.

SEC. 19. The legislative bodies of any incorporated town or city within this State may, by ordinance, direct the mode of proceeding against minors for a violation of section seventeenth of this act, and may vary the punishment, so that they do not affix to the simple offence of disobeying said seventeenth section, a greater punishment than a fine not exceeding one hundred dollars, or an imprisonment in the house of correction of such city not exceeding six weeks, or by both such fine and imprisonment.

SEC. 20. An act entitled "An act to prevent riots and mobs within incorporated cities of the State of Missouri," approved February 21, 1853, is hereby repealed.

SEC. 21. This act shall take effect from and after its passage.

SEC. 22. The provisions of this act shall only apply to, and be in force in the, county of St. Louis.

Approved, March 5, 1855.

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## AN ACT

TO ESTABLISH A HOUSE OF REFUGE IN ST. LOUIS COUNTY.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. The city council of the city of St. Louis is hereby authorized and directed to erect upon the following described lot of ground or parcel of land, to-wit: Block numbered eighty (80) of the common of St. Louis, according to the survey and plat thereof, made by Charles D. Ward, such buildings and improvements, in addition to those now on said land, as may be suitable for a house of refuge for the confinement and reform of juvenile offenders.

SEC. 2. The county court of St. Louis county is hereby authorized and directed to appropriate toward said buildings and improvements the sum of twenty thousand dollars.

SEC. 3. All males under sixteen, and females under fourteen, years of age, who shall, under existing laws of the State of Missouri, or ordinance of the city of St. Louis, or such as may hereafter be enacted or passed, be liable to confinement in the workhouse of St. Louis city, the county jail of St. Louis county, or the penitentiary of the State of Missouri, may, at the discretion of the court or magistrate giving sentence, be placed in the said house of refuge, and when so placed, shall be, until reaching the age of twenty-one years, under the exclusive control of the managers of said house of refuge according to the regulations hereinafter provided; but if the imprisonment or confinement to which such minor would be liable be only provisional, in order to bring such minor to trial for a supposed offense, or to secure his or her attendance as a witness in a criminal cause, in every such case such minor shall be sent to said house of refuge, and the authority of said board over such minor, arising from such order of

commitment, shall cease upon the occurring of the event in respect of which it was made.

SEC. 4. The keeping and expenses of all prisoners committed to said house of refuge, by order of any court of St. Louis county, shall be paid for by the county, according to the rates fixed in the regulations adopted for said house, as hereinafter provided.

SEC. 5. Any parent or guardian having legal power to apprentice any male child or ward under the age of sixteen years, or female child or ward under the age of fourteen years, who shall, in writing, by him or her signed, represent to the board of managers of said house of refuge, that such child or ward is a proper and fit subject for admission into said house of refuge, stating the particular facts which constitute such fitness, and petitioning said managers to take charge of such child or ward, may be examined in relation thereto by said board of managers, who are authorized to receive all such children or wards at their discretion. The expenses of such child or ward shall be, before such reception, secured, to be paid by the parent or guardian, unless in case where the managers, for good cause, shall otherwise determine; and in all cases where such payment is ordered to be made by such parent or guardian, it shall be according to rates fixed in general regulations hereinafter provided for.

SEC. 6. In the case of every minor committed to, or received in, said house of refuge, such minor shall, until reaching the full age of twenty-one years, be under the entire control of the managers of said house.

SEC. 7. The circuit court, the court of common pleas, the land court, the county court, and the criminal court of St. Louis county, or the judges of any of said courts in vacation, shall have exclusive jurisdiction of all writs of *habeas corpus* for the discharge of any minor confined in said house of refuge, and no other court or magistrate in St. Louis county shall have jurisdiction to issue or take cognizance of any such writ, or any proceeding thereunder tending to such discharge, except in the case of there being in St. Louis county no such court or magistrate as those above mentioned, to whom exclusive jurisdiction is confided, able to issue or hear such writ at the time it is sought for; and in every case wherein application be made to any court or magistrate not having such exclusive jurisdiction for a writ of *habeas corpus* for the discharge of any person alleged to be confined in or at said house of refuge, or by virtue of the order of the managers thereof, every fact necessary to give jurisdiction to such court or magistrate shall be distinctly shown in the application and verified by affidavit of the applicant, or his or her agents.

SEC. 8. All males under sixteen, and all females under fourteen year of age, in St. Louis county, charged with any crime or misdemeanor, or punishable by imprisonment, shall be entitled to, and shall have, a private examination and trial, to which only the parties to the case shall be admitted, unless the parent or guardian of such minors demand a public trial.

SEC. 9. The said house of refuge, its officers and inmates, shall be under the control of the board of managers hereinbefore mentioned, who shall consist of nine members, whereof one shall be the mayor, for the time being, of the city of St. Louis; two shall be appointed by the county court of St. Louis county; four shall be members of the city council, for the time being, to be chosen in joint session of said council, (two from each board,) and two shall be appointed by the mayor of the city of St. Louis from the citizens at large, and approved by the board of aldermen. They shall hold their office for a period of one year, and a majority of said board of managers shall be a quorum for the transaction of any business, or the exercise of any power herein conferred upon said board; said board shall choose a chairman, and shall have at least one stated meeting in each month.

SEC. 10. Said board of managers of said house of refuge shall have power and authority: *First*, to make all needful contracts for said house of refuge; *second*, to make, establish, alter and enforce all needful regulations for the government and control of said house of refuge, its officers and inmates; *third*, to issue a writ directed to any sheriff, marshal or constable of the State of Missouri, or any municipality or



county thereof, for the recapture of any fugitive from said house of refuge; such writ shall be in the name of the State of Missouri, may be signed by any two of said board of managers, and shall, thereupon, be of legal and valid force: *fourth*, to make all needful by-laws for the government of said house of refuge; *fifth*, to employ and appoint such officers as may be needful, and fix their salaries: *Provided*, That no member of said board shall at any time receive, directly or indirectly, any compensation for any services by him rendered to said institution; *sixth*, to apprentice any inmate of said house of refuge until the time when such inmate shall reach the age of twenty-one years, if a male, and eighteen years, if a female; *seventh*, to discharge any inmate of said house of refuge.

SEC. 11. All debts contracted by said house of refuge shall be discharged by the city of St. Louis; and the city of St. Louis shall have power to sue for and recover any debt due, or damages accruing to, said house of refuge.

SEC. 12. Said board shall keep a record of their proceedings, and shall report, on the first Monday of May in each year, to the city council of the city of St. Louis, the fiscal affairs, management and condition of the said house of refuge.

SEC. 13. The mayor and city council of St. Louis, the judge of the county court of St. Louis county, or the grand jury of the county of St. Louis, may at any time visit and inspect the said house of refuge, and examine the records and books of account of said board.

SEC. 14. Every child found in said city in a state of want, or abandoned or improperly exposed, or grossly neglected by its parents or persons having its charge, or soliciting charity from door to door, or in any street or highway, or public place, and every child of any person in said city convicted of being a common prostitute or keeper of a bawdy house, or house of resort for prostitutes, or of assignation, and every child found in such houses, may be committed to said house of refuge by the mayor or by the recorder of said city, or by any two aldermen, or by any two justices of the peace of said city, upon complaint and competent proof of the facts charged; and when so committed, shall be kept and be under the control of the managers of said house, as provided in section sixth of this act. This act to take effect from and after its passage.

Approved, February 28, 1855.

## AN ACT

TO AUTHORIZE CERTAIN INDIVIDUALS TO ESTABLISH WEIGHING SCALES IN ST. LOUIS COUNTY.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SEC. 1. That the owner or owners of the land at the northeast corner of Arsenal street and the Gravois road, in the county of St. Louis, fronting at least one hundred and eighty feet on the Gravois road, by a depth running east on Arsenal street five hundred feet, be, and are hereby, authorized, on so much of said lots as may be necessary, to erect, and keep for public use, scales for the weighing of coal, hay, and all other articles of produce commonly sold by weight, and also all cattle and provisions that may be offered for weight, and also a weigher's office, to be called the "Gravois road scales."

SEC. 2. The said owner or owners may appoint a suitable person to do such weighing, subject to the approval of such appointee by the county court of the county of St. Louis, or by the mayor of the city of St. Louis, whose salary shall be paid by the said owner or owners of the land aforesaid; and it shall be the duty of such weigher to attend to the business of weighing at all suitable times for public convenience.

SEC. 3. The certificates of all weighing at said scales, and signed by said weigher, shall be good and valid within the limits of the city



and county of St. Louis, and of equal legality and effect as similar certificates of weighing done within said limits.

SEC. 4. That the said owner or owners are hereby authorized to charge and collect fees for such weighing, but such fees shall never be greater than those charged for similar services under the ordinances of the city of St. Louis.

SEC. 5. That any scales established under this act shall be required to conform to the standard of weights established by the authorities of the city of St. Louis, and shall be under the supervision and regulation of said authorities as city scales are in this particular.

SEC. 6. It shall be lawful for any owner or owners, lessee or lessees, of any land, on any public road or highway leading into the city of St. Louis, to establish and keep for public use scales for the weighing of hay, coal, cattle, and any articles of produce usually sold by weight, subject to the provisions of this act in all respects.

This act to take effect from and after its passage.

Approved, February 28, 1855.

## AN ACT

TO EXTEND THE LIMITS OF THE CITY OF ST. LOUIS, AND FOR OTHER PURPOSES.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. All that district of country situated in the county of St. Louis, embraced within the following limits, to-wit: Beginning at a point in the middle of the main channel of the Mississippi river, where the continuation of the south side of Keokuk street eastwardly would intersect said main channel; thence westwardly, by the said line of the south side of Keokuk street, to a point six hundred and sixty feet west of Grand avenue; thence northwardly, and parallel to said Grand or Lindell avenue, at a distance of six hundred and sixty feet therefrom, until it intersects the Bellefontaine road; thence northeast to the line dividing townships forty-five and forty-six north, range seven east; thence eastwardly, with said line and in the same direction, to the middle of the main channel of the Mississippi river; thence southwardly, with the meanderings of the main channel of said river, to the place of beginning—is hereby incorporated into a city, by the name of "The City of St. Louis."

SEC. 2. All acts and parts of acts now in force concerning the city of St. Louis, or the inhabitants thereof, and not inconsistent with nor repugnant to the provisions of this act, shall extend to all the district of country included in the above-mentioned boundaries, and to all inhabitants therein; and the mayor and city council shall have and exercise within said boundaries all the power and authority now vested by law in the mayor and city council of the city of St. Louis, as at present established, except as herein otherwise provided.

SEC. 3. The city of St. Louis, including the territory hereby added to the same, shall hereafter be divided into eight wards, and the city council may at any time district the city into ten wards, the boundaries of which shall be fixed by the city council, by straight lines running east and west, deviating to equalize population; and each ward shall, as near as practicable, contain an equal number of white male inhabitants; and the city council shall, from time to time, change the lines of each of said wards for the purpose of equalizing population in the same (but, in so changing, must adhere to straight lines as above, as near as may be); and each of which wards shall have the same representation in the city council, and board of president and directors of the St. Louis public schools, to which a ward in the present city is entitled. One of the representatives in the city council of each of the wards, as herein established, shall be a resident of the extended new limit portion thereof.

SEC. 4. The taxes to be levied by the mayor and city council upon the taxable property in said extended new limits, during the period of ten

years from the passage of this act, shall not exceed one-third of one per centum per annum on the assessed value thereof; saving, however, the harbor and other taxes hereinafter provided for.

SEC. 5. The mayor and city council of the city of St. Louis shall, without unnecessary delay, establish by ordinance a general plan for the location and graduation of streets within said extended new limits; and in all subdivisions of property hereafter to be made by the respective owners, they shall conform their streets to said general plan, unless it be otherwise permitted by ordinance.

SEC. 6. In cases where the mayor and city council shall deem it necessary, and also in all cases where the owners of the major part of the lands or lots fronting on any street or portion of street in the extended new limits, shall petition for the grading, paving or macadamizing thereof, the city council may cause grading, paving or macadamizing to be done, in manner as prescribed by ordinance. The cost of all rough grading shall be paid out of the general city treasury; the cost of all paving, whether of the carriage-way, gutters, curbing, sidewalks, or crosswalks, done under the provisions of this section, shall be apportioned and charged on the adjoining lots in the proportion of their front, and be paid by the owners of such lots, respectively, and they shall be bound to pay for the same as though the liabilities were contracted by themselves, and may be sued therefor accordingly; and the lots or lands chargeable therewith shall also be held by a lien, for the respective apportioned share of such cost, until the same be fully paid. Such lien may be enforced by special tax, levy, and sale, or by proceedings at law, all according to such proceedings as may be prescribed by law.

SEC. 7. In addition to the taxation heretofore authorized, the mayor and city council may levy a tax not exceeding one-twentieth of one per centum per annum upon all taxable property in the territory hereby added to the city of St. Louis, for the preservation and continuation of the improvements in the harbor of said city.

SEC. 8. The wharfage collected within the extended new limits shall be expended for the improvement of the wharf in the wards respectively where collected, and separate accounts shall be kept for that purpose.

SEC. 9. All money, bonds, notes, and other evidences of debt, belonging to the school fund of fractional township 45 north, range 7 east, outside of the city of St. Louis as heretofore incorporated, shall be divided between the board of president and directors of the St. Louis public schools, as trustees of the general school fund of the city hereby established, and between the county court of St. Louis county, for the benefit of said fractional township outside of the city hereby established, namely, on the following basis: One-half of the funds, according to the ratio of population, and the other half according to the ratio of territory, namely, of said fractional township included in the extended new limits of said city, and of the said township outside of the same; to be determined by two commissioners, who shall be appointed, one by each of the said parties, sharers in the funds, who, failing to agree, shall appoint an umpire, to be chosen from the county outside of said city or township. The further management and sale of section sixteen of said fractional township shall remain with said county court, in accordance with the act of the general assembly of this State, approved March 3d, 1851, entitled "An act to authorize the sale of fractional section 16, township 45 north, range 7 east;" and after each sale of any unsold portion of said section, the fund arising therefrom shall be divided between the two parties, sharers in accordance with the ratio which shall have been determined according to the succeeding provisions of this section, the county court of St. Louis county first paying all cost of management and sale of the lands, at all times to reserve a sufficient sum to pay the probable expenses relating thereto.

SEC. 10. The funds belonging to the board of president and directors of the St. Louis public schools before the passage of this act, and according to this act, shall be a common fund, for the use and benefit of the whole city as hereby established.

SEC. 11. The property of the present city of Bremen, and of the

second municipality, shall be vested in the city of St. Louis, and the latter shall assume the indebtedness of Bremen, not exceeding five hundred dollars, and of the second municipality, not exceeding one hundred dollars, and shall receive all sums of money that may be due to said Bremen and to said second municipality for taxes or otherwise.

SEC. 12. Hereafter, not less than two polls shall be opened in each of said wards, in said city, at elections.

SEC. 13. The separate incorporations of the city of Bremen and second municipality are hereby vacated and abolished.

SEC. 14. This act shall not be so construed as to vacate the seat of any member of the board of aldermen holding over until their term would expire under the provisions of the present city charter, and such aldermen shall constitute one of the two aldermen to which each ward is entitled, from the wards in which they may respectively reside when the city is districted into wards, in accordance with the provisions of this act.

SEC. 15. The mayor of the city of St. Louis shall, immediately after the passage of this act, take measures to promulgate this act within the limits of the city of St. Louis, by publication in all the daily newspapers in said city, as herein established.

SEC. 16. All acts and parts of acts repugnant to this act are hereby repealed, and this act shall take effect from and after the thirty-first day of March, in the year of our Lord one thousand eight hundred and fifty-five, excepting the 15th section, which shall take effect from and after the passage thereof.

SEC. 17. The city of St. Louis shall purchase of the joint stock companies so much of the several plank roads included within the boundaries of the extended new limits as are owned by said companies, at such prices as may be agreed upon between the city council and the directors of said companies; and if they can not agree, the value of said interest shall be assessed as other property taken for public use: *Provided, however*, That so much of said roads, or any of them as are owned by the county of St. Louis, is hereby vested in the city of St. Louis, free of charge.

SEC. 18. This act shall not change or in any manner affect an act entitled "An act supplemental to the several acts to incorporate the city of St. Louis, and to continue in force the law commonly known as the new limit law, as it now exists," approved March 1st, 1851.

SEC. 19. The district of country hereby added to the city of St. Louis shall be designated the "Extended New Limits."

SEC. 20. There shall be an election held on the first Monday in April next, in the city of St. Louis, and the proposed extended new limits, for the purpose of ascertaining the will of the voters of said city, and the proposed new limits; and the county court of St. Louis county shall open two polls, one for "extension," the other "against extension," in the proposed extended new limits, at such places as they may think best; and if a majority of all the votes cast in the city of St. Louis, and in the proposed extended new limits, should decide in favor of extending the same as proposed, then and in such case this act shall be in full force and effect, otherwise it shall be null and void.

Approved, December 5, 1855.

## AN ACT

TO AUTHORIZE THE CITIES OF ST LOUIS AND CARONDELET TO MAKE AN AGREEMENT CONCERNING A WORKHOUSE.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. The cities of St. Louis and Carondelet shall have power to make any contract, agreement, or arrangement, by which the city of Carondelet may imprison persons in the workhouse of the city of St. Louis, or in the enclosures or appurtenances thereof, for the violation of any ordinance or by-law of the city of Carondelet; and the person so imprisoned may be required by the city of Carondelet to work or labor in



such workhouse or enclosure, or appurtenances or elsewhere, under such rules and regulations as said city of Carondelet may by ordinance prescribe.

This act shall take effect and be in force from and after its passage.

Approved, December 5, 1855.

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## AN ACT

SUPPLEMENTARY AND EXPLANATORY OF AN ACT ENTITLED "AN ACT TO PREVENT RIOTS AND BREACHES OF THE PEACE."

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. Section thirteen of said act shall be, and the same is hereby, amended so as to read as follows: The city or town in which such trespass may be committed shall be liable to pay to the person whose property shall be injured or destroyed thereby, three-fourths of the value thereof, or the damage thereto.

SEC. 2. Section fifteen of said act shall be, and the same is hereby, so amended as to repeal the second, third and fourth subdivisions of said fifteenth section; the first and fifth subdivisions of said act shall, however, remain in full force and effect.

This act to be in force from and after its passage.

Approved, December 5, 1855.

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## AN ACT

LEGALIZING THE SUBSCRIPTIONS OF THE CITY OF ST. LOUIS FOR STOCK OF THE OHIO AND MISSISSIPPI RAILROAD COMPANY.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. That all subscriptions heretofore made for stock of the Ohio and Mississippi Railroad Company, located in the State of Illinois, in the name of and for account of the city of St. Louis, by any officer thereof, by virtue of any ordinance of said city therefor, is hereby legalized and declared as valid and effectual as if lawfully authorized at the time such subscriptions were made, and shall be so considered and adjudged in all courts of this State.

This act shall take effect from and after its passage.

Approved, December 7, 1855.

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## AN ACT

SUPPLEMENTAL TO, AND AMENDATORY OF, AN ACT ENTITLED "AN ACT TO EXTEND THE LIMITS OF THE CITY OF ST. LOUIS, AND FOR OTHER PURPOSES," APPROVED DECEMBER 5, 1855.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. That sections fourteen and twenty of the act entitled "An act to extend the limits of the city of St. Louis, and for other purposes," approved December 5th, 1835, are hereby declared inoperative, and said act shall take effect and be in force from and after the thirty-first day of March next, any thing in said act to the contrary notwithstanding; and the mayor and city council of said city shall have said city districted into wards, according to the provisions of said act, without delay, so that the first election for city officers, under the act to which this is supplementary, shall take place on the first Monday of April, 1856.

This act shall take effect from and after its approval.

Approved, December 8, 1855.



## AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO AMEND AN ACT TO REDUCE THE LAW INCORPORATING THE CITY OF ST. LOUIS INTO ONE ACT, AND TO AMEND THE SAME," APPROVED FEBRUARY 23, 1853.

*Be it enacted by the General Assembly of the State of Missouri, as follows :*

SECTION 1. That so much of section four, article six, of the above entitled act as provided for the election of superintendent of the work-house and superintendent of waterworks, be and the same is hereby repealed, and said officers shall be appointed by the mayor, as other officers are appointed; and so much of section eleven (11) of article four of an act entitled "An act to incorporate the city of St. Louis, and the several amendatory acts thereto, into one act, and to amend the same," approved March 3, 1851, as provides for the election of city marshal, be, and the same is hereby, repealed; and said city marshal shall be appointed by the mayor in the same manner as other officers: *Provided, however,* That the present incumbents of said offices shall be entitled to serve out the full time for which they were elected.

This act to take effect and be in force from and after its passage.

Approved, December 11, 1855.

## AN ACT

AMENDATORY OF AN ACT ENTITLED "AN ACT TO AUTHORIZE CERTAIN PERSONS IN ST. LOUIS COUNTY TO ERECT WEIGHING SCALES," APPROVED FEBRUARY 28, 1855.

*Be it enacted by the General Assembly of the State of Missouri, as follows :*

SECTION 1. No person who sells, or has an interest in the sale of, articles weighed at public scales, either directly or indirectly, by himself or others, or who buys them for the purpose of selling over, or for the uses and purposes of any manufactory or other establishment, except his private residence, shall be authorized to erect weighing scales, as provided by the act to which this is amendatory, either by himself individually, or as a member of a company or copartnership; nor shall any company or copartnership so dealing be so authorized; and if any weighing scales be already erected, in violation of this provision, the same is hereby declared illegal; and if public weighing be continued, after the passage of this act, to be done thereat, said scales shall become forfeited to the county of St. Louis, which may sell and dispose of the same at public auction, to the highest bidder, for cash.

SEC. 2. No person or persons dealing in articles weighed at public scales in the city or county of St. Louis, as in the first section of this act recited, shall be connected in, interested with, nor be an officer of, any weighing scale in said city or county; and no such person or persons who are pecuniarily interested in the rents and profits of such scales shall continue to be so interested, directly or indirectly, either by themselves or others, after ninety days after the passage of this act; and if such connection or pecuniary interest exists after such term, such scales are hereby declared illegal, and become forfeited to the city or county of St. Louis, as the case may be; which may take possession of and sell the same, at public auction, to the highest bidder for cash.

SEC. 3. No weighing scales in the county of St. Louis shall be hereafter erected without the permission of the county court of St. Louis county, or of the city council of the city of St. Louis, as the case may be, within their jurisdiction; and they shall provide against competition in scales, for the sake of fees merely, and shall only regard public convenience in the selection of localities for the erection of public scales; and, with this view, shall provide that no scale be erected within one-half a mile of scales previously erected, except upon urgent and apparent need.

And the tariff of fees or charges established by ordinance by the city of St. Louis, as the price of weighing, shall be a uniform standard of price for all weighing done at all public scales in said city and county; any deviation from which, by exacting more or less than the said legal charge, shall be punished by a penalty of fifty dollars on the weigher for every offense, and, also, by deprivation of office, upon conviction thereof; such penalty to be recovered before any court of competent jurisdiction, and to be instituted in the name of the city or county of St. Louis, as the case may be, to the use of the complainant, who shall be entitled to one-half the fine, upon recovery thereof, the other half being payable to the said city or county.

SEC. 4. The fifth and sixth sections of the act to which this act is amendatory are hereby abolished.

This act to take effect from and after its passage.

Approved, November 19, 1855.

## AN ACT

AMENDATORY OF AN ACT ENTITLED "AN ACT AMENDATORY OF AN ACT ENTITLED 'AN ACT TO AUTHORIZE CERTAIN PERSONS IN ST. LOUIS COUNTY TO ERECT WEIGHING SCALES, APPROVED FEBRUARY 27, 1855,' APPROVED NOVEMBER 19, 1855."

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. That the title of the act to which this is amendatory shall read and be amended, as follows: "An act amendatory of an act entitled 'An act to authorize certain individuals to establish weighing scales in St. Louis county,' approved February 28, 1855."

This act to take effect from and after its passage.

Approved, December 13, 1855.

## AN ACT

TO ENABLE THE CITY OF ST. LOUIS TO ASSERT HER TITLE TO CERTAIN ESCHEATED LANDS.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. The city counselor of the city of St. Louis, in order to enable the city of St. Louis to avail itself of the provisions of the second section of an act entitled "An act about swamp lands in St. Louis county," be, and he is hereby, authorized, in the name of the State of Missouri, to proceed in the same manner as the attorney general is required to do by the provisions of an act entitled "An act concerning escheats," approved January 8, 1845, to ascertain whether any real estate embraced within the provisions of the first above recited act has escheated to the State of Missouri, and said proceedings shall, in all things, be conducted in the manner and form prescribed in said act concerning escheats.

SEC. 2. That the title of the State to all lands which shall appear to have escheated to the State of Missouri before March 3d, 1851, by any proceeding commenced and prosecuted under the provisions of this act, shall, from and after judgment, be rendered in favor of the State, pass to and vest in the city of St. Louis.

This act shall take effect from and after its passage.

Approved, December 13, 1855.

## AN ACT

AMENDATORY OF AN ACT ENTITLED "AN ACT TO LICENSE AND REGULATE AGENCIES OF FOREIGN INSURANCE COMPANIES," APPROVED DECEMBER 8, 1855.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. All agencies of foreign insurance companies doing fire, river or marine insurance within this State, shall, on or before the first day of February, of each and every year, deposit with the assessor of the county, and also of the city, in which the office or agency of such company is located, a statement, verified by the oath of the agent of the foreign company, specifying the gross amount (after deducting all return premiums) of premiums received for insurance by such company or agent, during the preceding year, up to the first of January, immediately preceding such deposit of such statement, or for such fractional part of the year that such company or agency may have been doing business in this State.

SEC. 2. If any agent of any foreign insurance company shall neglect or refuse to deposit with the assessor aforesaid, on or before the first day of February, in each and every year, the verified statement required by the preceding section, it shall be the duty of the assessors, respectively, to assess on said company, or agency, such a sum of gross premiums as, after diligent inquiry, he may ascertain to be the amount received.

SEC. 3. Such gross amount of premiums, so received as aforesaid, shall be subject, in the county and city in which the office of such agency is located, to the levy and payment of such taxes, of every kind, as other property is subject to for State, county, and municipal purposes, which taxes shall be paid by such agent, to the respective collectors, within the time required by law for the payment of the general taxes: *Provided*, That the tax so assessed on the gross amount of premiums, shall be in lieu of all taxes formerly levied on the capital stock of any foreign insurance company, for State, county, and municipal purposes, and that no other taxes of any kind, than as in this act specified, shall be levied on such agencies for any purpose whatever.

SEC. 4. Upon the agent or agents of any foreign insurance company depositing with the assessors the verified statement required by this act, and complying with the provisions of section first of the act to which this act is amendatory, the clerk of the county court of the county in which such agency is located, shall issue to him or them a license, in the name of the State, for carrying on the business of his or their agency, for the space of one year; which license shall be renewed from year to year, by such clerk, if demanded; and for every such license, such clerk shall be paid a fee of fifty cents.

SEC. 5. There shall be levied and collected by such clerk, on such license so issued to any agent or agents, as aforesaid, the sum of one hundred dollars for State purposes, and two hundred dollars for county purposes; and such license shall be exempt from all other taxation whatever.

SEC. 6. The agent or agents of any foreign insurance company doing business in the county of St. Louis, shall publish, daily, for six successive days, on or before the first day of February, of each and every year, the statement required in the first section of the act to which this is amendatory, in one English and one German newspaper published in said county: *Provided*, That whenever the parent office of such agency shall publish an annual statement of its affairs, the time mentioned in the first part of this section for the publication of the statement shall be so changed as to allow said publication to be made within one month of the date of such annual statement by the parent company.

SEC. 7. The agent or agents of any foreign insurance company doing business in the city of St. Louis, shall, in addition to the tax on gross premiums, above provided for, pay to the collector of the ward in said city in which the office of said agent is located, on or before the first day of February, in each and every year, the sum of one hundred dollars for



the use of the said city, which sum shall be considered in full for, and in room of, all taxes and licenses which said city, by its charter, may or may not possess the power to impose on such agencies; and such collector shall, upon such payment being made, issue to such agent or agents a license, in the name of the city of St. Louis, for the carrying on the business of such agency for one year; which license shall be renewed from year to year, if demanded, and shall not be subject to any taxation of any kind whatever.

SEC. 8. Any agent or agents of any such insurance company, who shall neglect or refuse to comply with the requirements of the last preceding section, shall forfeit and pay the sum of two hundred dollars, which may be sued for and recovered in the name of the city of St. Louis, to the use of the same, by suit instituted by the city attorney, in any court having competent jurisdiction.

SEC. 9. Any person or persons who shall, as agents of any insurance company, or an agency doing business in this State, in anywise neglect or refuse to comply with any of the foregoing provisions of this act, or who shall willfully make a false or fraudulent statement of the business or condition of his or their company, shall forfeit and pay the sum of five hundred dollars for each offense, and shall not do, directly or indirectly, any kind of insurance business until the requisitions of this act are faithfully complied with; and it shall be the duty of the collector of the county in which the office of such agency is located to prosecute for the recovery of any forfeitures incurred by this act; and any and all fines and forfeitures thus incurred may be recovered, in the name of the State, to the use of the State and county, in equal proportions, by plaint bill or information, in any court of competent jurisdiction.

SEC. 10. Whenever any judgment shall be obtained, in any of the courts of this State, against any foreign insurance company having an office or doing business in this State, and said judgment shall remain unsatisfied for the period of fifteen days after execution shall have been lawfully issued thereon, the license issued to said insurance company shall immediately become null and void, and such insurance company shall be prohibited from transacting any business in this State until such judgment shall be fully satisfied.

SEC. 11. So much of an act entitled "An act to license and regulate agencies of foreign insurance companies," approved December 8, 1855, and all other acts or parts of acts, contrary to or inconsistent with the provisions of this, be, and the same are hereby, repealed.

This act to take effect and be in force from and after its passage.

Approved, February 27, 1857.

## AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO AMEND AN ACT ENTITLED 'AN ACT TO REDUCE THE LAW INCORPORATING THE CITY OF ST. LOUIS, AND THE SEVERAL LAWS AMENDATORY THEREOF, INTO ONE ACT, AND TO AMEND THE SAME,' APPROVED FEBRUARY 23, 1853."

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. Where property has been condemned for a street or public way, or a jury has, in proceedings for such condemnation, given a verdict as provided for in the law to which this act is amendatory, and no appropriation has been made by the council of the city of St. Louis to pay for the property condemned, as in the act provided to which this is amendatory, and where the city of St. Louis has instituted proceedings a second time under said act, and another jury has given a verdict as above named, and the city council has a second time failed to make an appropriation to pay the sum or sums awarded to be paid by the city, as in the said act provided, there shall be no authority in the city of St. Louis, its



mayor, or council, to proceed further, or again, in the condemnation of such property for a street or public way.

This act to take effect from and after its passage.

Approved, February 27, 1857.

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## AN ACT

CONFIRMING CERTAIN POWER TO THE CITIZENS OF ST. LOUIS COUNTY.

*Be it enacted by the General Assembly of the State of Missouri, as follows :*

SECTION 1. That the corporate authorities of the different cities in the county of St. Louis shall have the power, whenever a majority of the legal voters of the respective cities in said county authorize them so to do, to grant permission for the opening of any establishment or establishments, within the corporate limits of said cities, for the sale of refreshments of any kind (distilled liquors excepted), on any day in the week.

SEC. 2. Any person who shall, on a Sunday, sell or offer for sale, within the corporate limits of said cities, any distilled liquors, or any composition of which distilled liquors form a part, shall be punished by fine of not less than ten nor more than fifty dollars.

SEC. 3. The provisions of the first section of this act shall not be construed as authorizing the sale of ardent spirits on any day mentioned, except as now by law allowed.

SEC. 4. All acts and part of acts conflicting with the provisions of this act are hereby repealed.

This act to take effect from its passage.

Approved, March 4, 1857.

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## AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO AMEND AN ACT CONCERNING BILLS OF MORTALITY IN THE CITY OF ST. LOUIS AND SUBURBS," APPROVED FEBRUARY 25, 1843.

*Be it enacted by the General Assembly of the State of Missouri, as follows :*

SECTION 1. The words "clerk of the board of health of the city of St. Louis," are hereby substituted, and used for, and instead of "register of the city of St. Louis," or any words indicating said officer, whenever the same may occur in said act.

This act to take effect from its passage.

Approved, November 18, 1857.

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## AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE REDUCTION OF THE CITY DEBT OF THE CITY OF ST. LOUIS," APPROVED MARCH 5, 1855.

*Be it enacted by the General Assembly of the State of Missouri, as follows :*

SECTION 1. That the third section of the act to which this is amendatory, is hereby modified and altered as follows: The following words are stricken out of the said third section, to-wit: "and interest at the rate of four per cent. per annum shall be required and accounted for, for all deposits made in any bank or banking establishment by said commissioner."

SEC. 2. The said third section shall stand in full force, as it will read with the words stricken out mentioned in the first section of this act.

SEC. 3. Whenever the fund commissioner shall be able to obtain an agreement for the payment of interest on the sinking fund from the

depository agreed upon by the mayor of the city of St. Louis and the fund commissioner, it shall be his duty so to do at a rate settled by agreement between such depository and said mayor and fund commissioner on the part of the city, which interest shall be accounted for as a part of said sinking fund.

This act shall take effect and be in force from and after its passage.

Approved, November 18, 1857.

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## AN ACT

TO PROVIDE FOR LEVYING, ASSESSING, AND COLLECTING THE REVENUE.

*Be it enacted by the General Assembly of the State of Missouri, as follows :*

### ARTICLE V.

*Of the sale of Lands for Taxes.*

SECTION 43. All tax deeds for lots or lands sold under ordinances of the city of St. Louis, for the non-payment of taxes due said city, shall be received in like manner, and shall have the same force and effect, when recorded, as State tax deeds in this article provided for.

This act to take effect and be in force from and after its passage.

Approved, November 23, 1857.

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## AN ACT

IN RELATION TO GASLIGHT COMPANIES INCORPORATED IN THE CITY OF ST. LOUIS.

*Be it enacted by the General Assembly of the State of Missouri, as follows :*

SECTION 1. No gaslight company chartered in this State shall be allowed to demand from its customers advance payment for more than the estimated quantity of gas to be used by the party for the period of one month and a half.

SEC. 2. It shall be the duty of the mayor or city council of any town or city within this State, in which a gas company may be chartered, to appoint a gas inspector for said city. It shall be the duty of said inspector, in every case of complaint made by any person using said gas, to examine into the cause of complaint; and if any defect is found in the meter, he shall cause said defect to be remedied at the expense of the gas company; and he shall, also, in case of defect found in the meter, estimate the amount of the gas actually used by the consumer for the month, and report the same to the company, who shall charge the consumer for said amount, and no more; and the city council, by ordinance, may impose such additional duties upon the inspector, in regard to gas inspection, as they may deem necessary.

SEC. 3. It shall also be the duty of said inspector, in case of complaint made that the gas company is furnishing gas of an inferior quality, to examine into the cause of complaint; and if it be found that the gas is of inferior quality, he shall report the fact to the mayor, who shall immediately notify the officers of the gas company, requiring them to furnish good gas; and the company shall make a reasonable and proper deduction from the price of the gas sold during the time of the existence of such inferiority; such deduction to be made by order of the mayor, upon the report of the inspector.

SEC. 4. The said inspector shall receive for office rent and salary, to be fixed by the city council, a sum annually not exceeding two thousand dollars, to be paid by the company.

SEC. 5. No gas company shall be ever allowed to make out average bills, but all bills shall be based upon the actual amount of gas consumed.

SEC. 6. If any gas company in this State shall refuse to supply gas to any occupant of a building because a previous tenant of the building may not have paid his gas bill, it shall forfeit and pay the sum of ten dollars for every day it shall so refuse, to be recovered in any court having jurisdiction, in the name of the injured party.

SEC. 7. All compulsory agreements or contracts made by any gas company with individuals, requiring a deposit of money greater than is sufficient to pay for the average quantity of gas consumed for one month and a half, is [are] hereby declared void.

SEC. 8. It shall be the duty of the city council of any city in which there is any chartered gas company, to provide by ordinance for carrying into effect this act.

SEC. 9. This act shall take effect in thirty days from its passage, and apply only to the city of St. Louis.

Approved, March 14, 1859.

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## AN ACT

SUPPLEMENTARY TO THE SEVERAL ACTS TO INCORPORATE THE CITY OF ST. LOUIS.

WHEREAS, Doubts have been suggested as to the capacity of the city of St. Louis to take and hold property beyond the city limits, given for charitable purposes, and also as to the capacity of the city to execute charity trusts; therefore,

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. The city of St. Louis is hereby declared to be capable of taking and holding property, real and personal, both within and without the city limits, given or to be given to charitable purposes, and of executing all such charity trusts in like manner as natural persons are.

This act shall take effect from its passage.

Approved, March 12, 1859.

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## AN ACT

TO ENABLE THE CITY OF ST. LOUIS TO PURCHASE THE GASWORKS OF THE ST. LOUIS GASLIGHT COMPANY.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. For the purpose of providing the means to enable the city of St. Louis to purchase and pay for the gasworks of, and belonging to, the St. Louis Gaslight Company, pursuant to the provisions of the twenty-seventh section of the amended charter of the St. Louis Gaslight Company, approved February 11th, 1839, the mayor of the city of St. Louis is hereby authorized to issue the bonds of said city of St. Louis, in sums of one thousand dollars each, payable at such time or times, not less than five nor more than twenty years from the date thereof, as the mayor and fund commissioner of said city shall deem best, to an amount sufficient, and no more than sufficient, to pay the purchase money of said gasworks; which bonds shall bear interest at the rate of six per cent. per annum, payable semi-annually, and shall have attached to them semi-annual coupons for the payment of said interest. Said bonds shall be entitled and designated on their face, "special gasworks bonds of the city of St. Louis;" shall be signed by the mayor, and countersigned by the controller and fund commissioner of the city of St. Louis, and shall have the seal of said city affixed thereon. They shall be obligatory on said city of St. Louis, and be and operate a special lien on all the works and property of said St. Louis gasworks, and the entire works, property, rights and franchises, of every nature whatever, of

said St. Louis Gaslight Company, when purchased; and all additions thereto, or extensions thereof, thereafter made by said city shall be, and the same are irrevocably pledged and held bound and liable for the payment of said bonds.

SEC. 2. If said city shall not purchase said gasworks at the time specified in the foregoing section, this law shall remain in force so as to enable said city to purchase said gasworks at any other time when, by said amended charter, said purchase is authorized to be made; and, upon said purchase being made at any time, all the rights, privileges, and franchises of said St. Louis Gaslight Company, together with the whole property of said company of every nature, real, personal, and mixed, shall be the property of, belong to, and be vested at once, by said purchase in the said city of St. Louis, and said St. Louis Gaslight Company be, at the same time, wholly divested thereof.

SEC. 3. Said bonds shall be sold by said mayor, or by some person duly authorized by him to sell the same, and the proceeds thereof shall at once be paid over into the hands of the fund commissioner of the city of St. Louis, who shall apply the same, without delay, to the payment of the purchase money aforesaid, and to no other purpose whatever.

SEC. 4. The entire revenue and receipts arising from said gasworks, after paying the current expenses of the management of said works, shall be paid over into the city treasury, and the treasurer of said city shall keep a separate account of such moneys, which shall be held secure to the payment of the interest on said bonds, the pendent extension of said works, as the necessities of said city require, and to the final payment of said bonds; that is to say, so much of said revenue as may be necessary shall be appropriated to the payment of the said interest, secured by such extensions and improvements of said works as may be ordered by the board of commissioners herein named; and whatever remains of said revenue shall be, from time to time, at least half yearly, invested in said special gasworks bonds, or the bonds of the city of St. Louis, or the bonds of the State of Missouri, the interest on which last named bonds shall be again, in like manner, invested from time to time, and the whole be kept, secured, and appropriated to the final redemption, after payment, of said special gasworks bonds of the city of St. Louis.

SEC. 5. There shall be appointed by the mayor of said city, by and with the advice and consent of the board of aldermen, two persons, who, in conjunction with the mayor, shall constitute a board of commissioners for the management, control, and operation of said works; which board shall operate, manage, control, and extend said gasworks, and the revenue and income arising therefrom, under and according to the provisions of this law, and such rules and regulations as the mayor and common council of the city of St. Louis shall, from time to time, by ordinance, establish and prescribe, not inconsistent with this law. Said board of commissioners may appoint a superintendent of said gasworks, and employ such other officers and agents as the management and operation of said works require, which superintendent and subordinate officers shall receive such compensation for their services as said board may fix and allow.

SEC. 6. Said commissioners shall be appointed and hold their offices for two years, and until their successors are appointed and qualified; shall give such bond and receive such compensation, not exceeding one thousand dollars, as shall be allowed by ordinance: *Provided, however,* That in the first appointment of commissioners, one shall be appointed for only one year, so that both of said commissioners shall not go out of office at the same time.

SEC. 7. The city of St. Louis shall have power to lease said work from time to time, subject to such restrictions and conditions as the common council of said city shall by ordinance impose.

This act shall be in force from its passage.

Approved, March 12, 1859.



## AN ACT

AMENDATORY OF, AND SUPPLEMENTARY TO, THE SEVERAL ACTS INCORPORATING THE CITY OF ST. LOUIS.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. That the several acts incorporating the city of St. Louis, and all acts amendatory of, and supplementary to, the same, be and are hereby amended as follows:

SEC. 2. All persons elected by the people of the city, or appointed by the mayor, under existing acts incorporating the city of St. Louis, shall hold their offices until their successors shall be elected or appointed under this act.

SEC. 3. The city council shall consist of one board, called the board of common council, who shall possess all the powers and exercise all the functions as the board of aldermen and city council as heretofore constituted. Said board shall consist of twenty members, two to be elected in each ward; and no person shall be eligible who shall not have resided three years in the State of Missouri, and be a resident of the ward from which he is elected, and be a citizen of the United States and of the State of Missouri, or who shall be delinquent in the payment of taxes, or other dues to the city.

SEC. 4. The members of the present board of aldermen, from each ward, who hold over under the present charter, shall be members of the common council, as now constituted in this amendment, and hold their offices for one year. On the first Monday in April, eighteen hundred and fifty-nine, one alderman shall be elected from each ward, who shall hold their offices for two years; at the same time there shall be an election to fill any vacancies among the aldermen who hold over. On the first Monday in April, eighteen hundred and sixty, and every year thereafter, each ward in the city shall elect one alderman, who shall hold their offices for two years, so that one-half of the members of the common council shall be elected in each year.

SEC. 5. All ordinances, passed by the council shall, within five days after they become laws, be published in two newspapers, published in the city of St. Louis. The board shall cause a correct abstract of its proceedings to be made out and published in two of the newspapers of the city. This abstract shall present the substance of all the petitions, memorials and remonstrances, of all motions and propositions, and of all bills, resolutions and orders, so as to exhibit their nature and import; and shall also present a brief and accurate statement of all proceedings in relation thereto. The communications of the mayor and other city officers shall be published in full in the papers publishing the proceedings of the board; but the board shall so order as not to incur the expense of publishing the same document a second time.

SEC. 6. The mayor shall hold his office for two years, and until his successor is duly elected and qualified; and may, for misdemeanor in office, be removed from office by the board of common council, if three-fourths of all the members elected to said board shall vote for such removal.

SEC. 7. No bill passed by the board of common council and returned by the mayor, with his objections, shall become a law, unless, on reconsidering the same, it shall be passed by the vote of two-thirds of the members elected to said board.

SEC. 8. The mayor shall, subject to the approval of the board of common council, appoint every officer of the city, except the comptroller, city recorder, auditor, treasurer, register, harbor-master, and city attorney, who shall be elected in the same manner as heretofore, whose term of office shall be the same as that of the mayor; and the mayor shall also have power to remove any such officer by him appointed, provided that three-fourths of the members elect to such board shall vote for such removal.

SEC. 9. Nothing in the preceding section contained shall be construed to apply to the removal or suspension of any officer or private of the police department; but the mayor and common council shall have power to enact such ordinances, affecting the regulation of that department, and the removal and suspension of the several members thereof, without exception, as may be deemed just and right.

SEC. 10. Any officer or employe of the city, who shall appropriate to his own use, or to the use of any other person, any money belonging to the city, or the interest thereon accruing, when the same is deposited in a bank or other institution, or with any banker or other person, shall be deemed guilty of imbezzlement, and be punished by imprisonment in the county jail for a term not less than one year, or in the penitentiary for a term not more than two years; and no bill shall be passed without being read on three separate days.

SEC. 11. The general and special taxes, levied by the city upon property, in conformity with the laws of the State and the ordinances of the city, shall constitute a lien upon the property upon which they are levied, until paid; and the city is hereby authorized and empowered to provide by ordinance for enforcing the payment of taxes, by proceeding against the property taxed, under the lien aforesaid, or by action of debt against the delinquent tax payer, in any court of competent jurisdiction, or by both of said procedures.

SEC. 12. The style of the ordinances of the city, from and after the first meeting of the board of common council, under the provisions of this law, shall be: "Be it ordained by the common council of the city of St. Louis."

SEC. 13. The appropriations and contracts made and entered into by the board of common council, during any one fiscal year, for all objects of the public service, except special expenditures, payable out of special revenue or taxes, shall not exceed the income of the preceding fiscal year, after deducting from such income the proceeds of special revenue and taxes; but if the income of any one fiscal year, excepting therefrom the special revenue and taxes applicable to special objects of expenditure, shall be found to exceed the amount of appropriation herewith authorized, the board of common council shall have power to appropriate such excess of income to the payment of the public debt.

SEC. 14. The board of common council shall have power, by ordinance, to cause a general sewer system to be established, which shall be divided into three classes of sewers, namely, public, district and private sewers. Public sewers shall be established along the principal courses of drainage, at such times, and to such extent, and of such dimensions, and under such regulations, as may be provided by ordinance; and there may be extensions or branches of sewers already constructed, or entirely new throughout, as each case may require. The board of common council shall levy a tax on all property made taxable for State purposes, over the whole city, to pay the cost of constructing, reconstructing and repairing such works; which tax shall be called a "special public sewer tax," and shall be of such amount as may be required for the sewers provided by ordinance to be built; and the fund arising from said tax shall be appropriated solely to the building, rebuilding and repairing of said sewers. District sewers shall be established within the limits of districts, to be prescribed by ordinance, connecting with the public sewers, or other district sewers, or with any natural course of drainage, as each case may require. Such district may be sub-divided, enlarged, or changed, by ordinance, at any time previous to the construction therein. The common council shall cause sewers to be constructed in each district, whenever a majority of the property holders resident within a district shall petition therefor, or whenever the council may deem such sewer necessary for sanitary or other purposes; such sewers shall be made of such dimensions as may be prescribed by ordinance, and may be changed, enlarged, or extended, and shall have all the necessary laterals, inlets, and other appurtenances, which may be required. So soon as a district sewer shall have been fully completed, the city engineer, or other officer having charge of the work, shall compute the whole cost thereof, and shall assess

it as a special tax against the lots of ground, exclusive of improvements, in proportion to the area of the whole district, exclusive of public highways; and said officer shall make out a certified bill of such assessment against each lot of ground within the district, in the name of the owner thereof. Said certificate shall be delivered to the contractor for the work, who shall proceed to collect the same by ordinary process of law, in the name of the city, to his own use; and in cases of absent owners, he may sue by attachment, or by any other process known to law; and each certificate shall be a lien against the lot of ground described therein, and shall bear interest at the rate of ten per centum per annum, from thirty days after the date of issue; and if not paid within six months after date of issue, then it shall bear interest at the rate of fifteen per centum per annum, until paid; and the city shall incur no liability for building district sewers, except whenever the city is the owner of a lot of ground within the district, and in that case she shall be liable for the cost of said sewer in the same manner as other property owners within the district. The repairs, cleaning, and other incidental expenses of district sewers, shall be paid out of a general appropriation for that purpose; and, at the end of each fiscal year, the auditor shall report to the common council the amounts paid on account of each district, separately, and the assessors shall be instructed to assess the amounts so charged to each sewer district, in proportion to the assessed value of the property, as a "special district sewer tax," and shall charge it as an item in the general tax bills of the next fiscal year following the expenditure. Whenever district sewers have been already constructed, the common council shall have power to assess a special tax against the property in such sewer district, in proportion to the value thereof, for the immediate liquidation of the bonded debt and interest of said sewer districts; and the accounts of said sewer districts shall thereafter be kept in accordance with the provisions of this section: *Provided*, That in no case shall a sewer run diagonally through private property when it is practicable to construct it parallel to one of its front lines; and a public sewer shall not be constructed through private property when it is practicable to construct it in the adjacent street.

SEC. 15. It shall not be lawful for the board of common council to grade, pave, macadamize, clean, water or light any wharf, street, lane or avenue, not established and opened according to law and ordinance. It shall be lawful, nevertheless, for the council to order the owner or owners of ground fronting on any private alley to keep the same clean, and, if necessary thereto, to direct him or them to pave the same.

SEC. 16. Whenever the mayor and board of common council shall by ordinance establish, open, widen or alter any street, lane, avenue, alley or wharf, or public square, and it becomes necessary for that purpose to take private property, and no agreement can be made with the owner thereof, the corporation shall make a just compensation therefor to the person whose property is so taken, the amount whereof shall be ascertained as follows, to-wit: The mayor shall petition the circuit court of St. Louis county in term time, or the judge thereof in vacation, setting forth in his petition the particular description of the property sought to be condemned for public use, and, so far as known, the name or names of the owners or claimants thereof, and stating for what purpose the said private property is sought to be condemned; whether for establishing opening, widening or altering a street, lane, avenue, alley, wharf or public square, and praying the court or judge to cause damages to be assessed; on the presentation of which petition, it shall be the duty of the court in term time, or the judge in vacation, to cause the clerk to issue a precept to the sheriff, requiring him to summon twelve disinterested freeholders of the city, who shall attend at the court house, at a time to be specified in the precept, not less than five nor more than twenty days from the date thereof, and who shall be sworn diligently to inquire, and a true assessment to make, of the damages to be suffered by the owners of the property in question, and a true verdict to render according to the law and the testimony. It shall be the duty of the mayor, at least three days before said petition is presented, to cause a notice in writing to be served on each of the owners, if known, of the property sought to be condemned,



stating the time and place at which said petition will be presented. If the owners, or any part of them, are not known to the mayor, he shall cause such notice to be published in at least two daily newspapers printed in the city of St. Louis, which notice shall be published at least six days before said petition is presented. In vacation, it shall be the duty of the judge to attend at the time designated for such inquest, together with the clerk of said court, and the judge shall preside at the same, and shall cause a record to be made of the said proceedings. Either party may except to any ruling of the judge or court, as in ordinary trials, and may in like manner appeal from his decisions to the supreme court. Continuances to a day not more than twenty days distant, or new trials, may be granted, for good cause, as in other actions; and the proceedings, as near as may be, shall conform to the proceedings in ordinary suits. Judgment shall be entered against the city in favor of the several owners, respectively, for the damages assessed by the jury, upon which judgment execution shall issue, as in other cases, at the end of ninety days from the date of the judgment. The officers of the court shall be entitled to the same fees as for like services in other cases.

SEC. 17. In all cases of condemnation of property for public use, the mayor may allege in his petition that the property sought to be condemned of right belongs to the city and not to the claimant; and if such allegation is made, then the court or judge shall first proceed to try the question of title between the city and the claimant; and if the title to all or any part of the land is decided to be in said claimant or claimants, then the jury shall assess the damages sustained by said claimant or claimants, as in other cases, to the extent to which they shall appear to be entitled by the finding upon the first issue.

SEC. 18. When the owners of the major part of the front of all the property on the street, lane, avenue or alley, proposed to be opened, widened or altered, shall petition therefor, the city council may provide, by ordinance, for the opening, widening or altering of the same; but they may prescribe such conditions to be complied with by the petitioners as the council shall consider just and reasonable, and, if assented to by the petitioners, the mayor shall proceed as in other cases.

SEC. 19. The mayor and city council shall have power, by ordinance, to levy and collect a special tax on the owners or occupiers of the lots on any street, lane, or avenue, according to the respective fronts owned or occupied by them, for the purpose of grading or paying the sidewalks on such street, lane, or avenue: *Provided*, The said special tax shall not exceed the cost of such grading or paying, according to the respective fronts as aforesaid: *And provided further*, That no such improvement shall be ordered until the street in front of such improvement shall have first been planked, paved or macadamized in the center thereof.

SEC. 20. In addition to the powers given to the mayor and city council of St. Louis by the several acts incorporating said city, and the several acts amendatory of and supplementary to the same, the mayor and board of common council shall have power to provide for and regulate the inspection of beef, pork, meal and flour, in barrels, hogsheds or other vessels; also, to provide for and regulate the inspection and guaging of oils, molasses, syrup, whisky, alcohol, and other spirituous liquors, as well as vinegar and wine, in barrels, half-barrels, tierces, hogsheds, and all other vessels: *Provided*, That nothing in this act contained shall be so construed as to authorize the inspection of any article, enumerated in this act, which is to be shipped beyond the limits of this State, except at the request of the owner or owners of such article.

SEC. 21. The city shall have power to make all needful laws and regulations to secure the general health of the inhabitants of said city, and to prevent, remove, and abate all nuisances; also, to constitute a board of health, to consist of five members, who shall be elected by the common council, and hold their offices, respectively, for the term of one year; said members to be elected from the members of the common council. Said board shall perform such duties, and receive such compensation, as may be prescribed by ordinance: *Provided, however*, The health officer



shall be *ex-officio* a member of said board, but shall receive no additional compensation for his services as such member.

SEC. 22. To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve, clean, and keep in repair, streets, avenues, lanes and alleys, wharves and public grounds, and squares; but the mayor and city council shall not establish nor open a street, lane, avenue, or alley, through the grounds lying and being situated between Ninth street and Eleventh street, and Washington avenue and Green street, without the written consent of the proprietors of the St. Louis University, so long as the building now used as a university remains erected thereon.

SEC. 23. In the event of an alteration of any established grade of street or alley, the city shall be liable for all damages resulting from such change of grade, the damage to be assessed by a jury impaneled for that purpose by any court of proper jurisdiction.

SEC. 24. The city shall have power to regulate and prescribe the manner, and order the building, of partition and parapet walls, and of partition fences.

SEC. 25. A concurrent vote of two-thirds of all the members elect of the common council shall be necessary to pass a tax bill, bills appropriating money for any purpose, and bills in anywise increasing or diminishing the city revenue.

SEC. 26. Upon the passage of all bills appropriating money, or bills imposing taxes, lessening or abolishing licenses, the yeas and nays shall be entered upon the journals.

SEC. 27. No officer of the city shall be interested in any contract under the city, directly or indirectly, in any manner whatever, and any appointed officer becoming so interested shall be dismissed from office immediately by the mayor; and, on the mayor being satisfied that any elective officer is so interested, he shall immediately suspend said officer and report the facts to the board of common council, whereupon the board shall, as soon as practicable, meet to hear and determine same, and if, by a two-third vote, he be found so interested, he shall be immediately dismissed from such office. No officer shall hold two appointments under the city government.

SEC. 28. All acts and parts of acts inconsistent with and repugnant to this act are hereby repealed. This act to take effect and be in force from and after its passage.

Approved, March 14, 1859.

## AN ACT

AMENDATORY OF AN ACT ENTITLED "AN ACT TO ESTABLISH A HOUSE OF REFUGE IN ST. LOUIS COUNTY," APPROVED FEBRUARY 28, 1855

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. That the sixth section of the act whereof this is amendatory be, and the same is hereby, repealed.

SEC. 2. That the eighth section of the act whereof this act is amendatory be, and the same is hereby, amended, to read as follows: "All males under sixteen, and all females under fourteen, years of age, in St. Louis county, charged with any crime or misdemeanor, or punishable by imprisonment, shall be entitled to and have a private examination and trial, to which only the parties to the case shall be admitted, unless the parent, guardian, or person having its charge, shall demand a public trial.

SEC. 3. The officer or officers before whom the trial shall be held shall ascertain from the witnesses, and shall state in the commitment, the religious persuasion of the child, or, if too young, its parents; and no child, committed by compulsory process to the house of refuge, shall be apprenticed by the board of managers to a person of a different religious persuasion from that stated in the commitment.

SEC. 4. That section fourteen of the act of which this is amendatory shall be, and the same hereby is, amended, by striking out therefrom, where they occur, the words "as provided for in section sixth of this act."

SEC. 5. That every commitment, in pursuance of the fourteenth section of this [the] act of which this act is amendatory, shall be, for the first commitment, for a term not exceeding one year, and, for the second, not exceeding two years, adding a limit of a year for every subsequent commitment; and every commitment, in pursuance of section three of the act of which this is amendatory, shall be for a period of not more than five years; and the provision in the section of which this is amendatory, that it shall be until "reaching the age of twenty-one years," is hereby repealed.

SEC. 6. In all cases an appeal may be taken, at any time within ten days after the commitment of the child, by its parent, guardian, or person having its charge; and such appeal may be taken at any time within six months after the date of such commitment, if personal service of the proceeding whereon said commitment is founded have not been, by notice of the time and place of trial, given to the parent, guardian, or person having charge of the child.

SEC. 7. Such appeal shall be perfected by filing, in the clerk's office of the St. Louis criminal court, an affidavit of the child, or of the person entitled to notice, under the preceding section, within the time prescribed; and, if the affidavit be not filed within ten days after the commitment, it must state that it was made within twenty days after the knowledge of such commitment came to the affiant, or good cause shown why it was not made within twenty days. Every affidavit shall state that the appeal is not taken for vexation or delay, but because he is aggrieved by the judgment; and, on such affidavit being filed, the St. Louis criminal court shall hear and determine the cause, as all other appeals from justices of the peace.

SEC. 8. The board of managers shall have no power to apprentice any child committed to the institution, except where the child has been voluntarily surrendered by its parents, and its consent to such apprenticeship given, or where the parent, guardian, or person having charge of such child, has no legal capacity to give consent, or where he or she have willfully abandoned his or her family for six months without making suitable provision for them, or become an habitual drunkard, or a common prostitute, or keeper of a bawdy-house, or house of resort for prostitutes, or house of assignment; or the child, with the consent or knowledge of its parent, guardian, or person having its charge, remain in any such house.

SEC. 9. Facts of such incapacity, drunkenness, or other cause, in preceding section mentioned, must be decided by the verdict of a jury of twelve persons, and may be tried before any (of the) person or persons authorized, by section fourteen of the act of which this is amendatory, to commit a child to the house of refuge; and a certified copy of the record of proceedings must be filed with the commitment of the child, and an abstract thereof endorsed in the article of indenture, stating the cause, and also the person or persons before whom tried.

SEC. 10. Wherever occur the words "or person having its charge," they shall be interpreted to mean where there is no parent or guardian, or where the parent or guardian have [has] surrendered to such person the control and charge of the child.

SEC. 11. No apprenticeship of any child authorized by this act shall bar any right of appeal granted herein; but, if such appeal be sustained, the indentures shall be null and void.

SEC. 12. Any child committed to the house of refuge, may be discharged by the mayor of the city of St. Louis, and by such other persons or officers as may be authorized by the by-laws of the institution.

SEC. 13. Nothing in this act shall be so construed as to authorize the binding out of any juvenile delinquent to a non-resident, or the employment of such delinquent without the State of Missouri.

This act to take effect from and after its passage.

Approved, March 14, 1859.

## AN ACT

TO ENABLE THE CITY OF ST. LOUIS TO APPROPRIATE MONEY TO AID IN PRESERVING THE NAVIGATION OF THE MISSISSIPPI RIVER.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. The common council of the city of St. Louis may appropriate and pay an amount of money, not exceeding ten thousand dollars, to assist in defraying the expenses of any suit or suits having in view the prevention or removal of any artificial obstructions to the navigation of the Mississippi river, and may charge the same to the contingent fund or the harbor fund.

This act shall take effect immediately upon its passage.

Approved, January 4, 1860.

## AN ACT

CONCERNING STREET RAILROADS IN THE CITY OF ST. LOUIS.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. The St. Louis Railroad Company, the Missouri Railroad Company, the Peoples' Railway Company, and the Citizens' Railway Company, as heretofore organized under the "Act to authorize the formation of railroad associations, and to regulate the same," approved December 13th, 1855, are hereby ratified and confirmed in their respective rights under said law, and the roads now built or commenced, and the gauge of track established by said companies is sanctioned, and said gauge of four feet ten inches is hereby recognized as the legal gauge of all other street railroads that may be built in the city or county of St. Louis; said companies shall conform to and be governed by said law concerning railroad associations, except as follows: *First*, said companies shall not be required to carry freight; *second*, the report made to the city comptroller shall be in lieu of the annual report required to be made to the Secretary of State by the laws under which said companies organized.

SEC. 2. The rights confirmed to said companies shall not extend to or authorize the building by them of any road or roads on Clark avenue, Chesnut street, Pine street, Locust street, or Washington avenue, which streets are hereby reserved from such use, and all railroad tracks are forever prohibited on the streets named in this section; and in lieu of the track on Pine street, the Missouri Railroad Company may run the cars of their road on Eleventh and Benton streets, over the Olive street road, and the Citizens' Railway Company may run the cars of their roads, heretofore authorized by the council, in connection with Washington avenue, over their Morgan street road; and said companies may each construct two additional switches, and a side track not exceeding one hundred and seventy feet in length, to enable the cars to so run on Olive and Morgan streets; the switches on Morgan street may be east of the double track contemplated to be built.

SEC. 3. No street railroad shall hereafter be constructed in the city of St. Louis nearer to a parallel road than the third parallel street from any road now constructed, or which may hereafter be constructed, except the roads hereinbefore mentioned; and in consideration of the privileges herein granted, the city of St. Louis is hereby expressly empowered to impose and levy such tax and license upon said roads now constructed, or that may hereafter be constructed, as the common council of said city may determine to be just and proper, and the said city may make such municipal regulations concerning said street railroad as the public interest and convenience may require, except to reduce the rate of fare charged by said companies as now fixed by ordinance of the city of St. Louis.

SEC. 4. Any company now using a single track road, with turnouts upon any street or part of street, may change the same to a double track

at any time, provided they shall first obtain the consent, in writing, of the owners of a majority in interest of the property fronting on the street or part of street desired to be so changed. But this provision shall not apply to that part of Olive street, between Fourth and Twelfth streets, unless the majority in interest of that part of the street give their written consent that a double track may be constructed on said part of Olive street.

SEC. 5. The St. Louis Railroad Company may extend their road north from Salisbury street, along Broadway and Bellefontaine road, to the city limits, and may further extend the same to the Bellefontaine cemetery and the Calvary cemetery, and south from Gate street, along the Carondelet road, to the city limits, and may further extend said road through the St. Louis commons to or through the city of Carondelet, provided that before such extension is made through any road or avenue outside the cities, the consent of the board of county commissioners shall be obtained, and the consent of the city council of Carondelet shall be obtained before running through any street of that city.

SEC. 6. The St. Louis Railroad Company may build a branch road to the fair grounds, along Bremen avenue and other connecting streets, or by such other route as they may select, by the consent of the common council, after first obtaining the consent of a majority in interest of the property-holders on the route selected; and the Missouri Railroad Company may build a branch road from their terminus on Benton street, at Eighteenth street, to the fair grounds, by such route as they may select, provided they first obtain the written consent of the majority in interest of the property-holders on the route selected; and the Peoples' Railway Company may extend their road from St. Ange avenue, along Chouteau avenue, to the point where the Pacific railroad crosses said Chouteau avenue, provided the same is constructed within two years after the passage of this act; and the Missouri Railroad Company may extend their road from the junction of Olive street and Grand avenue to the king's highway, with the consent of the property-owners where the road runs.

SEC. 7. The privileges heretofore granted by the city of St. Louis to Stephen D. Barlow, James B. Eads, F. L. Ridgeley, and their associates, under the name of the Compton Hill Railroad Company, are hereby confirmed, provided they shall organize and commence their road within six months after Lafayette avenue is graded, and complete the same within twelve months thereafter to Grand avenue, and said company may extend their road west to Shaw's botanical garden.

SEC. 8. The Gravois Railroad Company, as authorized by the common council of St. Louis, may construct their road, *provided* they will connect the same with the St. Louis railroad or the Peoples' railway, at a point on or south of Park avenue; and, *provided further*, that said road is commenced within six months, and completed within two years.

SEC. 9. Said railroad companies shall not be liable for injuries to persons occasioned by their getting on or off the cars at the front or forward end of the car.

SEC. 10. Nothing in this act shall be construed as authorizing the Citizens' Railway Company to construct a double track road on Franklin avenue without the written consent of a majority in interest fronting that portion of the street where such double track may run.

This act shall take effect and be in force from and after its passage.

Approved, January 16, 1860.

I, B. F. MASSEY, Secretary of State, do hereby certify that the above and foregoing act entitled "An act concerning street railroads in the city of St. Louis," is a true and correct copy of the original roll of said law now on file in this office.

IN TESTIMONY WHEREOF, I have hereto set my hand and caused to be affixed the seal of office. Done at the office of the Secretary of State, in the city of Jefferson, this nineteenth of January, A. D. 1860.

B. F. MASSEY, *Secretary of State.*



## AN ACT

SUPPLEMENTARY TO THE SEVERAL ACTS INCORPORATING THE CITY OF ST. LOUIS.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. The cost of the paving, macadamizing, or otherwise improving, constructing, reconstructing, and repairing all streets, alleys, and other highways in the city of St. Louis, which, under existing laws, is chargeable to the property adjoining or in the vicinity of such work, shall be charged and collected as hereinafter provided.

SEC. 2. Whenever any of the above mentioned work shall have been fully completed, under authority of ordinances, the city engineer, or other officer having charge of the work, shall compute the cost thereof, and assess it as a special tax against the adjoining property fronting upon the work done; and each lot of ground shall also be charged in proportion to the frontage thereof, with the cost of constructing, reconstructing, and repairing the intersections of the next adjoining streets, alleys, or other public highways, in such manner as the said officer shall deem just and equitable. The said officer shall then make out a certified bill of such assessment against each lot of ground chargeable with the work done, in the name of the owner thereof; said certified bill shall be delivered to the contractor for the work, who shall proceed to conduct the same by ordinary process of law, in the name of the city of St. Louis, to his own use; and, in case of absent owners, he may sue by attachment, by any other process known to the law; and each certified bill shall be a lien against the lot of ground described therein, and shall be at interest at the rate of ten per centum per annum, from thirty days after the date of its issue to the contractor, and if not paid within six months after its issue, it shall bear interest from the date of its issue until paid, at the rate of fifteen per centum per annum; and every such certified bill shall, in any action brought to recover the amount thereof, be *prima facie* evidence of the validity of the charge against the property therein described, and of the liability of the person therein named as the owner of such property. The city shall not be liable, in any manner whatever, for, or on account of, any work done, and which is to be paid for in the manner provided in this section.

SEC. 3. The provisions of an act entitled "An act supplementary to the several acts to incorporate the city of St. Louis, and to continue in force the law commonly known as the new limit law, as it now exists," approved March first, eighteen hundred and fifty-one, are hereby continued in force until the twelfth day of April, eighteen hundred and sixty-six; *Provided, however,* That if all the streets in the new limits of any town shall have been improved, or if all the streets in the new limits of any ward shall hereafter be improved, before the expiration of said period, then, and in that case, the provisions of said act shall cease to apply to said ward, and all the revenue collected in said ward shall remain in the general fund of the city.

SEC. 4. Section fourteen of an act entitled "An act amendatory of, and supplementary to, the several acts incorporating the city of St. Louis," approved March 14th, 1859, is hereby amended as follows: Add, after words "until paid," in the twenty-ninth line of section nineteen, following: "And every such certified bill shall, in any action brought to recover the amount thereof, be *prima facie* evidence of the validity of the charge against the property therein described, and of the liability of the person therein named as the owner of such property."

SEC. 5. Whenever the city council shall provide, by ordinance, for establishing, opening, widening, or altering any street, avenue, alley, wharf, or public square, and it becomes necessary, for that purpose, to take private property, and no agreement can be made with the owner or owners thereof, just compensation shall be made therefor to the person or persons whose property is so taken, which the land commissioners shall cause to be ascertained by a jury of six disinterested freeholders of the city; the particulars of which proceeding shall be prescribed by ordinance.

SEC. 6. The land commissioner shall appoint a day for impaneling a jury, and ascertaining the damages, at least six days' notice of which shall be given to the person whose property is proposed to be taken; and, if any of the owners thereof are unknown, or can not be found by the marshal of the city, or are absent from the city, (and the return of the marshal shall be conclusive as to the facts therein stated,) publication thereof shall be made in at least two of the city daily newspapers for at least four weeks before the day appointed, notifying all owners, and others interested in the property proposed to be taken, that, on the day therein named, the land commissioner will cause the property therein described to be condemned for public use as an alley, street, avenue, wharf, or square, as the case may be, and damages to be assessed therefor as herein provided; and such notice, by publication as aforesaid, shall be binding upon all persons whatsoever having any interest in any property that may be charged by the verdict of the jury, and with the payment of any portion of the damages in consideration of benefits to be derived by them.

SEC. 7. It shall be the duty of the jury, first, to ascertain the actual value of the land proposed to be taken for the opening, widening, or altering of an alley, street, avenue, wharf, or public square, without reference to the proposed improvement there; then, for the payment of such sum, to assess against the city the amount of benefit to the public generally, and the balance against the owner or owners of the property benefited by the opening of such alley, street, avenue, wharf, or square, according to the value of the property so assessed, and in the proportion that such property may be respectively benefited by the proposed improvements; and the sum or sums to be paid by the owner or owners of property respectively benefited by the improvement, as ascertained by the jury, shall be a lien upon the property so charged, and shall be collected as provided by ordinance.

SEC. 8. The land commissioner shall have power, for good cause shown, within ten days after an inquest shall have been returned to him, to set the same aside and cause a new inquest to be made.

SEC. 9. If the verdict of the jury be not set aside by the land commissioner, it shall be his duty within one month to report the same to the council, and if confirmed by the council, an appropriation shall be made to pay such sums as shall be assessed against the city, and it shall then be lawful for the city to take possession of the grounds so condemned for public use; but if not confirmed by the council within two months after being reported to them by the land commissioner, all the proceedings shall be void. If the title to any property proposed to be condemned be in controversy, nothing shall be paid therefor until the right to the money, ascertained by the verdict of the jury, is determined by a court of competent jurisdiction, in a suit between the parties respectively claiming the same; none of the costs of which litigation shall be borne by the city, unless the city be one of the claimants; and during such controversy the money shall remain in the city treasury.

SEC. 10. When the owners of the major part of the front of all the property on the street, avenue, alley, or wharf, proposed to be opened, widened, altered, or established, shall petition the council therefor, the city council, if the improvement proposed by the petitioners be deemed expedient, shall provide by ordinance for the opening, widening, or establishing the same; and the proceedings for the condemnation of property, as proposed to be taken, shall in other respects be conducted as is prescribed by this article when it is sought to condemn property for public use without the petition of the property-holders, but no damages shall be awarded to any owner so petitioning.

SEC. 11. Whenever any one or more of the owners of property which it may be necessary to take for public use in the opening of any street, avenue, alley, or wharf, by virtue of any ordinance of the city of St. Louis opening such street, avenue, alley, or wharf, shall propose to relinquish such property without claim of damages, on condition of exemption from payment of benefits for further opening of such improvements, or upon other conditions, the land commissioner shall be

authorized to compromise or agree with such persons, and to remit, abate, and exempt them from the payment of damages in consideration of benefits, wholly or partly, as equity may seem to require, and proceed to condemn such other property as may not be relinquished for the purpose, and to assess the damages and benefits therefor to and upon other persons as may be damaged or benefited by such improvement, and report his proceedings to the council, anything in this act contained to the contrary notwithstanding.

SEC. 12. Judgments against the city on account of the damages to private parties in case of opening streets shall not be considered as ordinary judgments, but such shall be held in abeyance, and the city shall not take possession of the ground condemned until such judgments shall be confirmed and appropriations made to pay the same out of the general revenue.

Approved, January 16, 1860.

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## AN ACT

TO AUTHORIZE THE CITY OF ST. LOUIS TO AID IN THE COMPLETION OF THE PACIFIC RAILROAD.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. The city of St. Louis is hereby authorized to make an additional subscription to the capital stock of the Pacific Railroad to the amount of five hundred thousand dollars, or if the city council shall, by ordinance, so determine to loan to the Pacific Railroad, upon such time and terms as the best interests of the city demand, the sum of five hundred thousand dollars; the said subscription or loan to be upon the express condition that the same is to be applied solely to the completion of the Pacific railroad to the city of Kansas.

SEC. 2. If the city of St. Louis shall make either the subscription or loan authorized, then the city of St. Louis is fully authorized by ordinance to provide the means necessary for said subscription or loan, by causing a tax to be levied on all property within the limits of said city subject to taxation for city purposes: *Provided*, That the tax so levied shall not in any one year exceed the rate of one-fifth of one per cent.; nor shall any such levy be made until the present county tax to pay the subscription to the capital stock of the St. Louis and Iron Mountain and the North Missouri railroads shall have been finally levied; or said city of St. Louis may, by ordinance, to meet said subscription or loan, cause to be issued and delivered to the Pacific Railroad the bonds of the city of St. Louis, in amounts of one thousand dollars each, having not more than twenty years to run, and bearing interest at the rate of not exceeding eight per cent. per annum, and may, by ordinance, provide for the prompt payment of the same.

SEC. 3. The city council of the city of St. Louis shall, by ordinance, provide for the submission of the question whether such loan or subscription, above provided to be made, shall be made or not, to the qualified voters of the city of St. Louis, before the same shall be made; and if a majority of the voters of said city shall vote for said loan or subscription, the said subscription or loan shall be made; but if a majority of the voters of the city of St. Louis shall vote against said subscription or loan, then the city of St. Louis shall have no power to make such subscription or loan.

This act is hereby declared to be a public act, and shall take effect and be in force from and after its passage.

Approved, March 30, 1860.



## AN ACT

CREATING A BOARD OF POLICE COMMISSIONERS, AND AUTHORIZING THE APPOINTMENT OF A POLICE FORCE, FOR THE CITY OF ST. LOUIS.

*Be it enacted by the General Assembly of the State of Missouri, as follows :*

SECTION 1. The common council of the city of St. Louis may pass ordinances for preserving order, securing property or persons from violence, danger, or destruction, protecting public and private property, and for promoting the great interests, and insuring the good government, of the city; but no ordinance hereby passed, or that may hereafter be passed, by the common council of St. Louis, shall in any manner conflict or interfere with the powers, or the exercise of the powers, of the board of police commissioners of the city of St. Louis, as hereinafter created; nor shall the said city, or any officer or agent of the corporation of said city, or the mayor thereof, in any manner impede, obstruct, hinder, or interfere with, the said board of police, or any officer, or agent, or servant, thereof or thereunder.

SEC. 2. So much of the city charter and ordinances as authorize the mayor and common council to appoint, pay, and arm the police of said city, and protect the said police in the discharge of their duty, be, and the same are, hereby repealed.

SEC. 3. There shall be, and is hereby, established, within and for the city of St. Louis, a board of police, to be called "The Police Commissioners of the City of St. Louis," to consist of four commissioners, as is hereinafter provided, together with the mayor of said city for the time being, or whosoever may be lawfully acting in that capacity. The said commissioners shall be citizens of the State of Missouri, and shall have been residents of the city of St. Louis for the period of three years next preceding their appointment. They shall, except as hereinafter specified, hold their offices for four years, and until their respective successors shall have been appointed and qualified, and shall receive each a salary of one thousand dollars per annum, payable quarterly. Before entering on the duties of their said office, the said commissioners and the said mayor shall take and subscribe, before the judge of the circuit court of St. Louis county, or the clerk thereof, the oath or affirmation prescribed by the constitution of the State of Missouri; and shall also take and subscribe, before the same judge or clerk, the further oath or affirmation that, in any and every appointment or removal to be by them made to or from the police force, created and to be organized by them under this act, they will, in no case, and under no pretext, appoint or remove any policeman, or officer of police, or other person under them, for [or] on account of the political opinions of such policeman, officer, or other person, or for any other cause or reason than for the fitness or unfitness of such person, in the best judgment of the said commissioners, for the place to which he shall be appointed, or from which he shall be removed. The said oaths or affirmations shall be recorded and preserved among the records of said circuit court. One of their own number shall, from time to time, be appointed, by said commissioners, treasurer of said board of police; and his appointment, when made, shall be certified to the clerk of the circuit court of the county of St. Louis, under the seal of said board. Said treasurer shall hold his office for such term as may be designated by the commissioners, who may remove him at pleasure, and shall be entitled to additional compensation, at the rate of five hundred dollars per annum, for acting in that capacity. Before he enters on the duties of his office as treasurer, he shall give bond to the State of Missouri, with one or more securities, in the penalty of fifty thousand dollars, conditioned for the faithful discharge of his duties as treasurer of the board of police, and for the faithful application and payment over, pursuant to the order and direction of said board, of all moneys which may come to his hands as treasurer. The bond of the treasurer shall be approved by the judge of the circuit court of the county of St. Louis, and shall be delivered to and safely kept by the treasurer of St. Louis county. A majority of the board of police shall constitute a quorum, and the failure or refusal of the mayor



or acting mayor of the city of St. Louis to qualify or act hereunder, shall in nowise impair the right or duty of said commissioners to organize and proceed as herein provided. In case a vacancy shall occur in said board, the same shall be filled by the governor of the State of Missouri forthwith, after having been notified that such vacancy exists. Any one of said commissioners who, during his term of office, shall accept any other place of public trust or emolument, or who, during the same period, shall knowingly receive any nomination for an office elective by the people, without publicly declining the same within twenty days succeeding said nomination, shall be deemed to have thereby vacated his office. For official misconduct, any of said commissioners may be removed by the governor of the State of Missouri, upon his being fully satisfied that the commissioner is guilty of the alleged official misconduct.

SEC. 4. The governor of the State of Missouri, by and with the advice and consent of the senate, shall, without unnecessary delay, appoint the four commissioners provided for in the last preceding section, and said commissioners shall hold their offices, two of them for two years, and two of them for four years, from the date of their appointments, and until their successors shall have been appointed and qualified. The governor shall issue commissions to the persons so appointed, designating the time for which they are severally appointed; and whenever the term of office of any commissioner expires, the appointment of his successor shall be for four years.

SEC. 5. The duties of the board of police hereby created shall be as follows: They shall, at all times of the day and night, within the boundaries of the city of St. Louis, as well on water as on land, preserve the public peace; prevent crime and arrest offenders; protect the rights of persons and property; guard the public health; preserve order at every public election, and at all public meetings and places, and on all public occasions; prevent and remove nuisances on all streets, highways, waters and other places; provide a proper police force at every fire for the protection of firemen and property; protect emigrants and travelers, at steamboat landings and railway stations; see that all laws relating to elections and to the observance of Sunday, and regulating pawnbrokers, gamblers, intemperance, lotteries and lottery policies, vagrants, disorderly persons, slaves and free negroes, and the public health, are enforced. They shall also enforce all laws and all ordinances passed, or which may hereafter be passed, by the common council of the city of St. Louis, not inconsistent with the provisions of this act, or any other law of the State, which may be properly enforceable by a police force. In case they shall have reason to believe that any person within said city intends to commit any breach of the peace, or violation of law or order beyond the city limits, any person charged with the commission of crime in the city of St. Louis, and against whom criminal process shall have issued, may be arrested upon the same in any part of this State by the police force created or authorized by this act: *Provided, however,* That before the person so arrested shall be removed from the county in which such arrest is made, he shall be taken before some judge or justice of the peace of that county to whom the papers authorizing such arrest shall be submitted, and the person so arrested shall not be removed from said county, but shall be forthwith discharged unless such judge or justice of the peace shall approve and endorse said papers. The said police commissioners, or either of them, shall have power to administer oaths or affirmations on the premises to any person appearing or called before them. They shall also have the power to summon and compel the attendance of witnesses before them whenever it may be necessary for the more effectual discharge of their duties.

SEC. 6. To enable the said board to perform the duties imposed upon them, they are hereby authorized and required, as speedily as may be, to appoint, enroll, and employ a permanent police force for the city of St. Louis, which they shall equip and arm as they may judge necessary. The number of policemen to be so appointed and employed, exclusively of officers, shall, at the first organization, be not exceeding the number now employed by the corporate authorities of the city of St. Louis; with

power, however, to reduce that number, or increase it not more than twenty-five, as experience may warrant: *Provided, however,* That for any extraordinary emergencies the board may raise such additional force as the exigency may, in their judgement, demand. No person shall be appointed or employed as policeman, or officer of police, who shall have been convicted of, or against whom any indictment may be pending for any offense, the punishment of which may be confinement in the penitentiary; nor shall any person be so appointed who is notoriously of bad character, or who is not a citizen of the United States, or who is not able to read and write the English language, or who does not possess ordinary physical strength and courage. The policemen shall be employed to serve for four years, and be subject to removal only for cause, after a hearing by the board, who are hereby invested with exclusive jurisdiction on [in] the premises. Any policeman whose time of service shall expire, and who during his appointment shall have faithfully performed his duty, shall, if otherwise qualified, be preferred by the board in making their new appointments.

SEC. 7. The officers of police shall be as follows: One chief of police, three captains, three lieutenants, not exceeding twelve sergeants, and four turnkeys. They shall be appointed by the board for such time as the board shall determine, and be subject to removal by the board for cause.

SEC. 8. The pay of the ordinary policemen shall be ten dollars a week, payable semi-monthly; and in case the board shall appoint detective policemen, which they may do to the number of five, the detectives shall receive a like sum, payable semi-monthly.

SEC. 9. The officers of the police shall be paid semi-monthly, and their pay shall be as follows: The chief shall receive two thousand dollars a year, each captain thirteen dollars a week, each lieutenant eleven dollars and fifty cents a week, each sergeant ten dollars and fifty cents a week, and each turnkey eight dollars and fifty cents a week.

SEC. 10. Whenever any vacancy shall take place in any grade of officers, except the chief, it shall be filled from the next lowest grade, if competent men can be found therein. The board of police are hereby authorized to make all such rules and regulations, not inconsistent with this act, as they may judge necessary, for the appointment, employment, uniforming, discipline, trial and government of the police, and for the relief and compensation of members of the police force injured in person or property in the discharge of their duty, and the families of the officers or men killed while in such discharge of duty: *Provided,* That the allowance shall not exceed, in any one instance, twelve months' pay. The said board shall also have power to require of any officer or policeman, bond with securities, when they may consider it demanded by the public interest. All lawful rules and regulations of the board shall be obeyed by the police force, on pain of dismissal, or such other lighter punishment, either by suspension, fine, reduction, or forfeiture of pay, or otherwise as the board may adjudge.

SEC. 11. No officer of police or policeman shall be allowed to receive any money, or gratuity, or compensation, for any service he may render, without the consent of the said board; and all such moneys, as any policeman or police officer may be so permitted to receive, shall be paid over to the board, and, together with the proceeds of all fines, forfeitures, and unclaimed property, which may come to the possession of the board, or be recovered by them under the provisions of this act, or any other law or ordinance, shall form a fund, which the board may apply toward the allowance to policemen, and officers of police, and their families, as hereinbefore authorized, and for extra pay for such members of their force as gallantry and good conduct, on extraordinary occasions, may be adjudged to merit it.

SEC. 12. The said board shall be and they are hereby authorized to provide themselves with such office and office furniture, and such clerks and other subordinates, as they may need; and to have and to use a common seal. They shall divide the city into the needful number of police districts, and provide in each of them, if necessary, a station-house, or houses, with all things and attendants required for the same, and all such

other accommodations as may be required for the use of the police. The said board, for all the purposes of this act, shall have the use of the fire alarm telegraph of the city of St. Louis, for police purposes, and of all station-houses, watch-boxes, fire-arms, equipments, accouterments, and other accommodations and things heretofore provided by the city of St. Louis, for the use and service of the police, as fully, and to same extent, as the same are now and may be used by or for the present police; and the mayor and common council, and all persons and municipal officers in charge thereof, are hereby ordered and required to allow such use accordingly. In case the said mayor and common council of said city, or its officers or agents, refuse or neglect to allow such use, as and when the same shall be required by said board, the said board may apply to the circuit court of the county of St. Louis, in the name of the State, for a mandamus to compel a compliance with the provisions of this section, and the application thereof shall be heard and decided by the court. One week's notice of the application shall be given, and the respondent or respondents shall have the right to answer within the week; and if testimony be needed on either side, the same shall be taken within ten days after the answer is filed, or the said week shall have expired. From the decision of the circuit court in the premises, either party may appeal within ten days; and it shall be the duty of the clerk of said court to send up the record immediately, and the appeal shall be heard by the supreme court, if then in session, and if not in session, at the next term, in both courts. The case shall be taken up and tried in preference to all others.

SEC. 13. It shall be the duty of the sheriff of St. Louis county, whenever called on for that purpose by said board, to act under their control for the preservation of the public peace and quiet, and, if ordered by them to do so, he shall summon the *posse comitatus* for that purpose; and hold and employ such posse, subject to their discretion. In case the board shall deem it necessary, they shall have authority, in accordance with the laws now in force, or hereafter enacted, to call out such of the military force lawfully organized or existing in the said city, or, as they may see fit, to aid them in preventing threatened disorder or opposition to the laws, or in suppressing insurrection, riot or disorder, at all times. And it shall be the duty of the said military force to obey such directions as may be given them by the said board, whenever the exigency or circumstances may in their judgment warrant it. The said board shall have the power to assume the control and command of all conservators of the peace of the city of St. Louis, whether sheriff, constables, policemen, or others, and they shall act under the orders of the said board, and not otherwise; and in case of the refusal of the said sheriff, or policemen, constables, or other peace officer or person, to obey any lawful command of the said board, under the provisions of this section, they shall respectively to the penalties following, that is to say: the said sheriff to a penalty of five thousand dollars, any peace officer to a penalty of five hundred dollars, any private citizen to a penalty of one hundred and fifty dollars; said penalties to be recovered by said board by civil action, in the name of the State; and any officer, in any military force in the city of St. Louis, organized or existing under the laws of this State, who, being called upon by said board as aforesaid, shall refuse or willfully fail to call out the force under his command, or to obey the directions of said board, or to enforce, by all lawful means, the performance of the duties to said force assigned, shall be liable to a penalty of five hundred dollars, and any interior officer or private of such force who shall refuse or willfully fail to obey the summons or order of his proper superior officer, in such behalf issued, shall be liable to a penalty of one hundred and fifty dollars; such penalties to be recoverable as aforesaid.

SEC. 14. So soon as the board created by this act shall hold their first meeting, it shall be their duty to inform the city marshal, the chief of police, the captain of police, and other officers or the police of the city of St. Louis, that they require their attendance upon them and obedience to their orders, which attendance the officers so notified shall be bound, respectively, to give under a penalty of five hundred dollars each, to be recovered by action at law, instituted by said board in the name of the



State, for failure to attend as required, and for each and every failure to obey the lawful order of said board. From and after the first meeting aforesaid, the whole of the then existing police force in the city of St. Louis, both officers and men, shall pass under the exclusive management and control of the said board, and be subject to no other control, and entitled to receive neither orders or pay (except arrearages then due) from any other authority, and shall so continue, subject, however, to removal or suspension at the discretion of said board, and with the power in said board to fill vacancies, until the said board shall publicly declare that the organization of the police force, created by this act, is complete. Upon such public declaration, and from the time thereof thenceforward, all ordinances of the city of St. Louis are hereby annulled and declared void so far as they conflict with this act, or assume or confer upon the mayor, or any other person or persons, the power to appoint, dismiss, or in any way, or to any extent, employ or control any police force organized, or to be organized, under such ordinance, or any of them; and from and after such public declaration, as aforesaid, the police force organized, or which may be organized, under such ordinance, or any of them, shall cease to exist, and all its functions and powers be at an end.

SEC. 15. It shall be the duty of the said board, with all convenient speed, after qualifying as aforesaid, and annually thenceforward, to estimate what sum of money will be necessary for each current fiscal year to enable them to discharge the duties hereby imposed upon them, and they shall forthwith certify the same to the board of common council of the city of St. Louis, who are hereby required, in the first appropriation ordinance of the fiscal year, to set apart and appropriate the amount so certified, payable out of the net annual revenue of said city of St. Louis, after having first deducted the amount necessary to pay the interest upon the indebtedness of said city, the amount necessary for the expenses of the city hospital and health department, the amount necessary for the expense of lighting the city with gas, and the sum of ten thousand dollars required by law, to be placed to the credit of the sinking fund of said city. The said board of police, upon and after having qualified as aforesaid, are hereby authorized to make requisition, from time to time, upon the mayor, auditor, comptroller, or other proper disbursing officer or officers of the corporation of the city of St. Louis, for such sums of money as they may deem necessary for executing their duties under this act, and the sums so required shall be paid by said proper disbursing officer or officers, out of any moneys in the city treasury not appropriated to the specific purpose above enumerated: *Provided, however,* That the same shall not exceed, in any one year, the amount appropriated by the city of St. Louis for maintaining the police of that city during the year one thousand eight hundred and sixty: *And, provided, also,* That the amount so required, or drawn, shall not exceed, in any one year, the amount so, as aforesaid, certified for that year to the common council aforesaid; and, in case the common council shall fail to make such appropriation, or the said disbursing officer or officers shall not forthwith pay over the amount of such requisition as made, it shall be the duty of said board, and they are hereby authorized and required, to issue certificates of indebtedness in the name of the city of St. Louis, in such amounts as they may deem advisable, for the amount of such requisition, respectively, bearing interest at ten per cent. per annum, payable not more than twelve months after date, and signed by a majority of the board; and to raise the money on said certificate by pledging or disposing of the same, which certificate shall be receivable at par in payment of all city taxes, and be as binding upon said corporation, and be as recoverable against it, as if the common council of St. Louis had themselves authorized the issuing of said certificates. The common council of the city of St. Louis shall have no power or authority to levy or collect any tax, or appropriate any money for the payment of any police force, other than that to be organized and employed under this act. No officer or servant of the mayor [or] the common council of said city of St. Louis, shall disburse any money for the payment of any police force other than that to be organized and employed under this act, and the power of said mayor and common council to appropriate and disburse



money for the payment of the police force, to be organized or employed under this act, shall be exercised as in this section directed, and not otherwise. In case the amount, as aforesaid, to be estimated by the said board shall, from any unforeseen cause, prove insufficient for the necessary expenses of the current year, the said board are hereby authorized and empowered to issue certificates, and raise money therefrom, as hereinbefore provided, to meet the exigency: *Provided, however,* That no such additional issue shall exceed the sum of ten thousand dollars in any one year; and that the amount thereof shall be added to the appropriation for the year next ensuing, and that the said certificates shall not be made payable at any earlier day than the first day of November next after the issuing of the same, and shall not be receivable in payment of city taxes earlier than those for the year in which they shall be so payable.

SEC. 17. Any officer or servant of the mayor or common council of the city of St. Louis, or other person whatsoever, who shall forcibly resist or obstruct the execution or enforcement of any of the provisions of this act, providing a permanent police for the city of St. Louis, or relating to the same, or who shall hinder or obstruct the organization of said board of police, or the police force hereinbefore provided to be organized, or who shall maintain or control, or attempt to maintain and control, the existing police force of said city, or any part thereof, or any other police force under the ordinances and acts herein and hereby repealed, except as herein provided, shall be liable to a penalty of one thousand dollars for each and every such offense, recoverable by the board by action of law, in the name of the State, and shall forever thereafter be disqualified from holding or exercising any office or employment whatsoever, under the mayor or common council of St. Louis, or under this act: *Provided, however,* That nothing in this section shall be construed to interfere with the punishment, under any existing or any future law of this State, of any criminal offense which shall be committed by the said parties in or about the resistance, obstruction, hindrance, conspiracy, combination or disbursement aforesaid.

SEC. 17. The commissioners of police shall cause all persons arrested by the police to be brought before the recorder of the city of St. Louis, or some justice of the peace within said county, to be dealt with according to law.

SEC. 18. The board shall cause a full journal of their proceedings to be kept, and shall also cause all their receipts on disbursements of moneys to be faithfully entered in books to be procured and kept for that purpose; and said journal, and all said books, and all other documents in the possession of said board, shall always be open to the inspection of the general assembly of the State of Missouri, or any committee appointed by it for that purpose. It shall be the duty of the board to report to the common council of the city of St. Louis, at each annual session thereof, the number and expense of the police force employed by them under this act, and all such other matter as may be of public interest in connection with the duties assigned them by this act.

SEC. 19. All acts and parts of acts, and charter provisions, and all ordinances of the city of St. Louis, conflicting with this act, are hereby repealed.

This act shall take effect from and after its passage.

Approved, March 27, 1861.

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## AN ACT

FOR THE RELIEF OF THE CITY OF ST. LOUIS.

WHEREAS, The city of St. Louis is owing a large sum of money to contractors for city work, and also for other purposes, which, on account of the pecuniary pressure of the times, it is unable to pay at this moment; therefore,

*Be it enacted by the General Assembly of the State of Missouri, as follows :*

SECTION 1. The charter of the said city is hereby amended so as to authorize the issue, in the manner and under the restrictions hereinafter contained, of an amount not exceeding two hundred thousand dollars of city treasury warrants, to pay the current debts of the city to contractors and others who have accounts allowed against it; said warrants to be in such form as may be determined by the commissioners hereinafter named.

SEC. 2. Said warrants shall be in denominations of one, two, and three dollars, and shall be receivable for taxes and licenses payable to the said city.

SEC. 3. James H. Lucas, Louis C. Garnier, and D. H. Armstrong, are hereby appointed commissioners to provide, and also to issue, the said warrants, and which warrants shall be signed by one of them, to be designated by themselves for that purpose, and the same shall only be issued by them to the treasurer for the payments of such amounts as shall be duly audited and certified by the proper officers of said city, and on the written affirmation of the mayor and comptroller thereof.

SEC. 4. The said commissioners shall keep a correct list of all amounts issued by them to the treasurer, and charge the same to him, and shall keep a register of all applications made to them by the said mayor and comptroller for the issue of the same; and it shall further be their duty to report, at every regular session of the city council, the amounts so issued, and the applications upon which they were issued, from the mayor and comptroller, as aforesaid.

SEC. 5. The said commissioners are hereby authorized to appoint a clerk, whose duty it shall be to keep a regular and perfect account of the issues provided as aforesaid, and to whom the said commissioners shall allow a reasonable compensation, to be paid by the city.

SEC. 6. At stated periods, to be determined by the commissioners, the said treasurer shall pay over to the commissioners all the city warrants, so issued, which may be in his possession, and take their receipt for the same; and the commissioners shall, at once, in the presence of the mayor and comptroller, proceed to destroy the same, first having taken a complete account of such warrants.

SEC. 7. The banks, savings institutions, associations, and bankers, of this State, may, if they deem proper, receive and pay out all such city warrants, without being subject to the penalties of any law of this State in regard to the circulation of notes under five dollars.

SEC. 8. From and after the second Monday of October, 1861, the common council of the city shall not, after having passed a general appropriation bill, pass any ordinance appropriating money, unless the amount thereby appropriated be actually in the treasury of the city, and not required to meet appropriations already existing. Any member of said common council voting for, [and] any mayor approving, any ordinance passed in violation of this section, shall be jointly and severally liable in his personal estate for any amount drawn from the treasury of said city in pursuance of any such ordinance.

SEC. 9. No sum of money, appropriated by ordinance to any particular fund or object, shall, except in pursuance of change in the appropriation thereof by ordinance, be diverted from such fund or object, or used for any other purpose; and any officer of said city, making or authorizing any such diversion or use without such change of appropriation by ordinance, shall be liable, in his personal estate, for any amount so diverted or used for any purpose or object other than that for which the same was especially appropriated.

SEC. 10. The comptroller of said city shall cause to be cancelled all special accounts on the books of the auditor of said city showing an unexpended balance to the credit of any special fund, when he shall be satisfied that such apparent balance has been authorized, and used in the payment of indebtedness of said city.

SEC. 11. No officer of said city authorized to make contracts on behalf of the city for work, or materials, shall make any such contract which shall require the expenditure of any greater sum than the amount actually appropriated by existing ordinance for such work or materials.

SEC. 12. The common council of said city shall not pass any ordinance for the improvement of streets in the new limits of said city, or for other improvements in said new limits, to be paid for out of the new limit fund, when the amount required for such improvement exceeds the amount actually in the treasury of said city to the credit of said fund.

SEC. 13. The twenty-fifth section of the "Act amendatory of, and supplementary to, the several acts incorporating the city of St. Louis," approved March 14th, 1859, is hereby amended by striking out therefrom the words "two-thirds," and inserting in lieu thereof "a majority."

SEC. 14. The said city shall not be liable to any action for the destruction of any property by a mob, in favor of any person who at the time of such destruction is delinquent in the payment of any taxes due the said city.

SEC. 15. The common council of the city of St. Louis shall have no power to pave, macadamize, curb, or gutter, any street or alley, at the expense of property owners whose property fronts on such street or alley, unless a majority in interest on such street or alley shall consent thereto in writing, or unless the same shall be declared a nuisance by a jury of six disinterested citizens of said city: *Provided*, That the provisions of this section shall not apply to any street or alley where two or more blocks are owned by one person, or one estate; but the provisions of the law now in force shall apply in all such cases.

This act to take effect from and after its passage

Approved, May 13, 1861.

## AN ACT

AMENDATORY OF AND SUPPLEMENTARY TO AN ACT ENTITLED "AN ACT CONCERNING STREET RAILROADS IN THE CITY OF ST. LOUIS," APPROVED JANUARY 16, 1860.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. Section eight of an act concerning street railroads, approved January 16, 1860, is hereby repealed, and the following substituted therefor: The Gravois Railroad Company, as authorized by the common council of St. Louis, may construct their road: *Provided*, They shall commence the construction of the same within six months, and finish the same within two years after Eighth and Ninth streets shall be fully opened, graded and improved as far south as Park avenue: *and provided further*, That said company may connect their road, from the termination of Decatur street, eastwardly along Park avenue, to Eighth street, and thence northwardly, along Eighth street, on the line authorized by said common council, unless the said company shall fail to make a satisfactory agreement with the Pacific Railroad Company as to the crossing of her track on Eighth street; then, in that event, said company may turn their track westwardly from Eighth street, along Gratiot street to Ninth street; thence along Ninth to Chesnut street, and thence along Chesnut to Fifth street: *and provided further*, That said company shall not be permitted to construct a branch on Arsenal street, and shall not be permitted to lay their track on Chesnut street east of the eastern line of Fifth street.

SEC. 2. The privilege herein granted of constructing said road on Chesnut street, between Ninth and Fifth streets, shall be continued on the consent of a majority of the owners of real estate on that portion of the road; and the evidence of such consent, on the part of such owners, shall first be filed in the office of city register, and shall have attached thereto the certificate of the city engineer that the persons named constitute or represent a majority of the owners of real estate fronting on Chesnut street, between Ninth and Fifth: *Provided, however*, That no coal or other freight shall be carried on said road, northwardly, beyond the line of Cerre street, nor between the hours of sunrise and sunset in the daytime.

SEC. 3. Such portions of sections two and three of the act of which



this is amendatory, which conflict with the route of the Gravois Railroad Company, as herein set forth, and any portion of any act conflicting herewith, are hereby repealed. The city of St. Louis shall have full power to tax, license and regulate this corporation.

Approved, March 27, 1861.

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## AN ACT

TO ENABLE THE CITIES OF ST. LOUIS AND CARONDELET TO ANNEX THEIR RESPECTIVE CORPORATIONS ON CERTAIN TERMS AND CONDITIONS.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. The city of St. Louis and the city of Carondelet, in the county of St. Louis, are hereby authorized to annex their respective corporations, upon such terms and conditions as regards boundaries, indebtedness, real estate, liabilities, privileges, immunities, and the limitations and the extent thereof, as may be agreed upon by joint ordinance of the municipal council of each of said cities by a majority vote of the members of each council: *Provided*, That within six months after the passage of such joint ordinance, the same shall be submitted to the legal votes of each of said cities, and be approved by a majority vote of such votes, respectively, in which event such joint ordinance shall be of full force and effect as if the same had been passed as an act of the General Assembly of the State of Missouri.

SEC. 2. All acts and parts thereof, inconsistent herewith, are hereby repealed.

Approved, March 28, 1861.

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## AN ACT

IN RELATION TO THE ASSESSMENT AND COLLECTION OF TAXES IN THE CITY OF ST. LOUIS, LEVIED FOR THE PURPOSES OF THE GOVERNMENT THEREOF.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. All real estate in the city of St. Louis, subject to taxation, shall be assessed in the name of the person who appears, from the records of the county of St. Louis, to be the owner thereof.

SEC. 2. If any person having the charge or management of any taxable property shall neglect or refuse to make return of such property to the assessor, in conformity to ordinance, after being notified in writing so to do, the assessor shall proceed to assess the same according to his best judgment, adding twenty per centum to such assessment as a penalty for such refusal, and in such case there shall be no abatement of the assessment or other relief therefrom, except by authority of special ordinance for that purpose.

SEC. 3. Whenever any real estate has been assessed against a wrong party, or has been omitted in the assessment in any year, and no tax thereon has been paid for that year, the assessor, as soon as the fact be discovered, shall assess the same against the owner, and make out a bill for the amount of taxes so assessed, which, if not paid on demand by the owner or other person interested in the property, shall be sued upon, and the same proceedings be had thereon as hereinafter provided for the collection of delinquent taxes against real estate.

SEC. 4. Suits may be brought before any justice of the peace in the city on all tax bills, both general and special, which have been, or may hereafter be, returned to the comptroller of the city unpaid; and such justice shall have jurisdiction in all such cases, without regard to amount claimed. Each bill shall be considered as a separate and distinct demand, and in any action brought to recover the same, shall be received as *prima*



*facie* evidence of the indebtedness of the person therein named for the amount specified in the same; and when the suit is for the recovery of taxes which, by existing laws, constitute a lien on real estate, such bill shall also be received as *prima facie* evidence of the validity of the charge against the property therein described, and of the liability of the person therein named as the owner of the said property.

SEC. 5. The justice of the peace shall have power to summon all parties who may be interested in the real estate, charged with the lien, whether as incumbrancer or otherwise, but such as are not made parties shall not be bound by the proceedings. Resident defendants shall be served with the process, as in ordinary suits; service, in cases of non-residence in the county of St. Louis, or State of Missouri, may be made either on any trustee, attorney, or agent having the care, control or management of the property, or who may be authorized by the owner to lease the same, or to collect and receive the rents and profits thereof; but if there be no such person in the county, known upon the returns of the assessor, to represent such non-resident, he shall be notified by publication in the same manner as non-resident defendants in attachment cases before justices of the peace.

SEC. 6. The proceedings, except as hereinafter provided, shall be the same as in ordinary suits before justices of the peace.

SEC. 7. In all suits brought to enforce the collection of taxes assessed against real estate, whenever the owner is not summoned, but notified by publication, and has not appeared, the judgment, if for plaintiff, shall be that the plaintiff recover the debt found to be due, with interest as may be prescribed by ordinance, not exceeding twenty per centum per annum, and costs, to be levied of the real estate, describing the same as in tax bill.

SEC. 8. When the owner has been duly summoned, or appears to the action, the judgment, if for the plaintiff, shall be as in the preceding section specified, with the addition, that if the said real estate be not sufficient to satisfy said debt, interest, and cost, then the residue to be levied of the other goods, chattels, lauds and tenements of said owner.

SEC. 9. The city may file a transcript of said judgment in the office of clerk of the land court, who shall thereupon issue an execution, if required, which execution shall be a special *scire-facias*, directed to the sheriff, and shall be in conformity with the judgment. On the filing of such transcript, such judgment shall have the same force and validity by way of lien on realty and in all other respects, as if rendered by any court of record in St. Louis county.

SEC. 10. Such writ shall be returnable as other executions, and the advertisement, sale, and conveyance of real or personal estate under the same, shall be made as in ordinary executions: *Provided*. That the sheriff, upon such sale, shall deliver to the purchaser a certificate of the sale, a duplicate of which he shall file with the city register, and the defendant in the execution, or his legal representatives, may redeem the property sold at any time within one year next after the day of sale, upon the payment of the amount for which the property was sold, and interest thereon, at the rate of ten per centum per annum, and of all costs accrued. But if the property be not so redeemed, the sheriff shall, at the expiration of one year, deliver to the purchaser a deed of the property sold.

SEC. 11. The purchaser, under a sale by virtue of an execution on a judgment rendered under this act, shall take title to the property sold, as against all parties to the suit.

SEC. 12. Suits brought for taxes on personal property only, shall be conducted throughout as other actions for the collection of debts before justices of the peace (except as hereinbefore provided, as to jurisdiction and evidence), and all proceedings, subsequent to the judgment therein, and for the enforcement of the same, shall be as provided by law in ordinary cases.

SEC. 13. The sheriff or constable, as the case may be, shall, within ten days after the sale of property under this act, pay over to the comptroller of the city of St. Louis the amount received at such sale, after deducting all costs and expenses, and take a receipt therefor in duplicate, and attach to, and return with, the execution one of such duplicate receipts.

SEC. 14. Upon presentation to the comptroller of the certificate of sale, made by the sheriff to the purchaser of real estate sold under this act, the defendant in the execution or his legal representatives shall be entitled to receive from the comptroller all the surplus of the purchase money over and above the amount of the execution; and the comptroller shall pay over to such defendant in the execution, or his legal representatives, all such surplus, upon demand, when the time for redemption of real property sold shall have expired, or where the purchase money may be for personal property sold.

SEC. 15. Appeals to the St. Louis land court shall be allowed from the judgment of the justice, in all cases prosecuted under this act in the manner prescribed for appeals in other civil cases; and where the defendant appeal, if the judgment of the justice be affirmed, or if on the trial anew in the appellate court, judgment be given against the appellant, such judgment shall be rendered against him and his securities in the recognizance as in other cases of appeal, with ten per centum interest added thereto as damages; but no appeal shall in anywise affect or impair the lien of the city upon the property proceeded against.

SEC. 16. Any constable for the city of St. Louis is hereby authorized to execute any process which may come into his hands, under this act, anywhere in the county of St. Louis.

SEC. 17. No property whatever shall be exempt from sale on execution for the payment of taxes now due, or hereafter to become due, to the city of St. Louis.

SEC. 18. All acts or parts of acts contrary to, or inconsistent with, the provisions of this act are hereby repealed.

This act to be in force and take effect from and after its passage.

Approved, January 17, 1863.

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## AN ACT

TO ENABLE THE MISSOURI RAILROAD COMPANY TO LAY A TRACK ALONG CERTAIN STREETS IN THE CITY OF ST. LOUIS.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. The Missouri Railroad Company are hereby authorized to lay a railroad track in the city of St. Louis, along Sixth street, from Market street to Chesnut street; thence westwardly, along Chesnut street, to Nineteenth street; thence southwardly, along Nineteenth street, to Market street; thence westwardly, along Market street, to Adolphe street; thence southwardly, along Adolphe street, to Clark avenue; thence westwardly, along Clark avenue, to Summit avenue; thence northwardly, along Summit avenue, to Market street or Manchester road; thence eastwardly, along said road, to connect with the track now laid along said road.

SEC. 2. Until such time as Chesnut street shall be graded and macadamized from Eighteenth to Nineteenth street, the said railroad company is authorized to lay a track along Eighteenth street, from Chesnut street, to connect with the track now or to be laid in Market street. The track in Adolphe street, Clark avenue and Summit avenue, and Market street road, shall be laid within six months after the same shall have been graded and macadamized. The said company is hereby authorized to lay a track, connecting the tracks now laid on Market and Olive streets, along any street west of Eighteenth street.

SEC. 3. The foregoing authority is granted to said company: *Provided*, It relinquishes the right to lay a double track along Market street, granted by an act of the General Assembly of the State of Missouri, approved January 16, 1860: *and provided further*, That the said company shall take up the switches now laid in Market street so soon as the tracks herein authorized to be laid shall have been made available for use.

SEC. 4. This act to take effect and be in force from and after its passage.

Approved, January 21, 1863.

## AN ACT

EXPLANATORY OF AN "ACT IN RELATION TO THE ASSESSMENT AND COLLECTION OF TAXES IN THE CITY OF ST. LOUIS, LEVIED FOR THE PURPOSES OF THE GOVERNMENT THEREOF," APPROVED JANUARY 17, 1865.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. The ninth section of the act to which this is explanatory is hereby amended by striking out the words "*scire facias*," in the third line said section, and inserting in lieu thereof, "*feri facias*."

SEC. 2. This act to be in force from its passage.

Approved, February 14, 1863.

## AN ACT

TO SUSPEND THE OPERATION OF A PORTION OF AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE REDUCTION OF THE CITY DEBT OF THE CITY OF ST. LOUIS," APPROVED MARCH 5, 1855

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. All coupons held by the fund commissioner, which are payable by the city of St. Louis, and which matured prior to the first day of January, A. D. 1864, shall be canceled in the same manner as bonds purchased by him are canceled, and he shall be credited with the same. All installments of ten thousand dollars per annum, due and unpaid to the fund commissioner prior to the first day of January, A. D. 1864, which are provided to be paid by the treasurer of the city, out of the general revenue of the city, on the first Monday of October in each year, shall not be so paid, and the fund commissioner shall not be entitled to receive any portion thereof.

Approved, February 14, 1863.

## AN ACT

TO AMEND AN ACT ENTITLED "AN ACT FOR THE RELIEF OF THE CITY OF ST. LOUIS," APPROVED MAY 13, 1861.

*Be it enacted by the General Assembly of the State of Missouri:*

SECTION 1. Section three of the act entitled an act for the relief of the city of St. Louis aforesaid, approved May 13, 1861, is hereby amended as follows: The city comptroller and the city treasurer are hereby appointed as commissioners in lieu and in the place of James H. Lucas, Louis C. Garnier, and D. H. Armstrong, to do and perform all the acts and things authorized and required to be done and performed by said commissioners in said act, and the said Lucas, Garnier, and Armstrong shall cease to act as such commissioners, and their authority to act as such shall be terminated upon the passage of this act.

SEC. 2. Within thirty days after the passage of this act, the said Lucas, Garnier, and Armstrong shall make out a written statement, each for himself, of the amount of city treasury warrants provided, and signed and issued by each of them, and the time of the delivery of each issue, and the amount thereof, to the treasurer, which statement shall be sworn to by the person making the same, and shall be furnished to the comptroller, who shall file the same in his office; the applications upon which such issues were made from the mayor and comptroller shall also be filed at the same time in said office; the plates and other property purchased by said commissioners for the uses and purposes of said issues shall also at



the same time be transferred to the said comptroller, together with a written statement, sworn to as aforesaid, of the cost and expenses of such plates and property, and of the printing and other work employed in said issues, and if the same have been paid for by the said commissioners, in whole or in part, the vouchers of such payment shall at the same time be furnished and filed with the comptroller; all city treasury warrants in the possession of said commissioners, or either of them, at the time of the passage of this act, shall be delivered over to the comptroller, whether the same be signed or unsigned.

SEC. 3. A failure on the part of said commissioners, James H. Lucas, Louis C. Garnier, and D. H. Armstrong to comply with each and every one of the requirements contained in the second section of this act, shall subject them, and each of them, to a penalty as follows, to-wit: If such requirements are not fully complied with within the thirty days aforesaid, for each day after the expiration of such time they, and each of them, shall be liable to pay to the city of St. Louis the sum of one thousand dollars, recoverable in any court having jurisdiction of the same.

SEC. 4. When said commissioners have fully complied with the requirements of this act, the auditor of the city of St. Louis shall audit and allow, and upon his requisition the treasurer of said city shall pay to said commissioners the amount of money paid by them for the plates, printing, and other property procured by them for the issuing of said treasury warrants, as also a reasonable compensation for clerk hire, if any, according to the provisions of the fifth section of the act to which this act is amendatory.

SEC. 5. The city comptroller and city treasurer of the city of St. Louis are authorized and required, after thirty days from the passage of this act, to issue the amount of city treasury warrants which have not been issued by the said commissioners, Lucas, Garnier, and Armstrong, on the day of the passage of this act; and all the powers and authority contained in the act to which this act is amendatory are hereby conferred upon the city comptroller and the city treasurer aforesaid, in reference to the issue of said treasury warrants.

SEC. 6. The issue of city treasury warrants anew in place of such of the issues as may be returned into the city treasury mutilated and worn, is hereby authorized, as also the issue of three hundred thousand dollars of similar warrants, subject to the action of the common council.

Approved, March 23, 1863.

## AN ACT

TO ENABLE THE CITY OF ST. LOUIS TO EXTEND THE WATERWORKS THEREOF,  
AND FOR OTHER PURPOSES.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. The city of St. Louis is hereby authorized, by and through the agency of five commissioners, to be appointed in the manner herein-after provided, to take, hold, and convey to, into and through the said city, the water of the Mississippi river, from any point on said river; and may also take and hold, by purchase or otherwise, any lands or real estate necessary for laying and maintaining aqueducts for conducting, discharging, disposing of and distributing water, and for forming reservoirs.

SEC. 2. The said city may, by and through the same agency, make or build one or more permanent reservoirs at the points hereinbefore named, or in said city; and may carry and conduct any aqueduct or other works, by them to be made or constructed, over or under any water-course, or any street, turnpike road, railroad, highway, or other way, in such manner as to not unnecessarily obstruct or impede travel thereon; and may enter upon and dig up any such street, road, or way, for the purpose of laying down pipes beneath the surface thereof, and for maintaining and repairing the same; and may occupy, for reservoir purposes, all public highways which cut the ground selected for reservoirs; and, in general,



do any other acts and things necessary, or convenient and proper, for the purposes of this act.

SEC. 3. Four commissioners shall be elected by the board of common council of said city, who shall be citizens of the United States, residents and tax-payers of the city of St. Louis—three-fourths of the members elect being necessary to an election; and the mayor of said city shall be a commissioner, *ex officio*, for the time being. Said commissioners shall, during their continuance in office, execute and perform, and superintend and direct, the execution and performance of all the works, matters and things mentioned in the preceding sections, which are not otherwise specially provided for in this act; they shall be subject to such ordinances, rules and regulations in the execution of their said trust as the common council may from time to time ordain and establish, not inconsistent with the provisions of this act or the laws of this State; they shall, respectively, hold their offices for the term of five years next after their said election, unless the works aforesaid shall be sooner completed; but they, or either of them, after having had an opportunity to be heard in his or their defense, may be removed at any time by a vote of two-thirds of the common council; and in case of a vacancy in the board of commissioners, by death, resignation, removal, or otherwise, such vacancy shall be filled by the common council, who shall hold his office for the residue of the said term of five years, with all the powers and subject to all the restrictions aforesaid. A major part of said commissioners shall be a quorum for the exercise of the powers and the performance of the duties of said office; they shall, once in every six months, and whenever required by the common council, make and present, in writing, a particular report and statement of all their acts and proceedings, and of the condition and progress of the works aforesaid. The common council shall provide by ordinance the manner of letting out the work herein authorized to be done; and the general plan of said works shall be approved by the common council before any part thereof shall be executed.

SEC. 4. Before the election of the commissioners aforesaid, the common council shall establish and fix the salaries or compensation to be paid to the commissioners for their services; and the said salaries of the said commissioners, so established and fixed as aforesaid, shall not be reduced nor increased during their continuance, respectively, in said office.

SEC. 5. Whenever the said office of commissioners shall cease, either by the expiration of the said term of five years from the original election, or by the completion of the works mentioned in the preceding sections of this act, all the rights, powers and authority given to the city of St. Louis by this act shall be exercised by the said city, subject to all the duties, liabilities and restrictions herein contained, in such manner, and by such agents, officers and servants, as the common council shall, from time to time, ordain, appoint, and direct.

SEC. 6. The said city of St. Louis shall be liable to pay all damages that shall be sustained by any persons, in their property, by the taking of any lands or real estate, or public streets or highways for the purpose of this act; and if the owner of lands or real estate, which shall be taken as aforesaid, or which may be permanently injured in value by the taking of any street or highway, shall not agree upon the damages to be taken therefore [therefor], he may apply by petition for the assessment of his damages at any time within one year from the taking of such lands or real estate, and not afterwards, to the circuit court of St. Louis county; such petition may be filed in the clerk's office of said court in vacation, or in term time, and the clerk shall thereupon issue a summons to the city of St. Louis, returnable, if issued in vacation, to the then next term of the same court, and if in term time, returnable on such day as the said court shall order to appear and answer to the said petition. The said summons shall be served twenty days at least before the return day thereof, by leaving a copy thereof, and of said petition certified to by the officer who shall serve the same, with the mayor of the said city; and the said court may, upon default or hearing of said city, appoint three judicious and disinterested freeholders of the county of St. Louis, who shall, after reasonable notice to the parties, assess the damages, if any, which

such petitioner may have sustained as aforesaid, and the award of said freeholders, or the major part of them, being returned into, and accepted by, the said court shall be final, and judgment shall be rendered and execution issued thereon, for the prevailing party, with costs, unless one of said parties shall claim a trial by jury, as hereinafter provided. If either of the parties shall be dissatisfied with the award of damages as herein expressed, such party may, at the term at which said award was accepted, or at the next term thereafter, claim, in writing, a trial in said court, and have a jury to hear and determine at the bar of said court, all questions of fact relating to said damages, and to assess the amount thereof; and the verdict of said jury, being accepted and recorded by said court, shall be final and conclusive, and judgment shall be rendered and execution issued thereon; and costs shall be recovered by said parties, respectively, as may be ordered by the said court. In every case of a petition to the circuit court by any person for the assessment of damages as hereinbefore provided, the city of St. Louis, by any of its officers, may tender to the complainant any sum that it shall think proper, or it may bring the same into court to be paid to the complainant for the damages claimed in his petition, and if the complainant shall not accept the same with his costs up to the time, but shall proceed in the suit, he shall be entitled to his costs up to the time of the tender or such payment into court, and not afterward; and the said city shall be entitled to recover costs afterward, unless the claimant shall recover greater damages than were so offered.

SEC. 7. For the purpose of defraying all the costs and expenses of such lands and real estate as shall be taken, purchased or held for the purposes mentioned in this act, and of constructing all works necessary and proper for the accomplishment of the said purposes, and all expenses incident thereto, the common council shall have authority to issue, and shall issue, from time to time, bonds or certificates of debt, to be denominated, on the face thereof, "St. Louis Water Bonds," with this act printed on the reverse side, to an amount not exceeding, in the whole, the sum of three millions of dollars, bearing interest at a rate not exceeding six per cent. per annum; and said interest shall be payable semi-annually, and the principal shall be payable at periods not more than thirty nor less than twenty years from the issuing of said bonds or certificates of debt, respectively. And the said commissioners may sell the same, or any part thereof, from time to time, at public or private sale, or pledge the same for money borrowed for the purchases aforesaid, on such terms and conditions as the said commissioners shall judge proper. Such pledges shall not be of a greater amount than fifty thousand dollars at any time, and the common council shall authorize said commissioners to sell said bonds, from time to time, or whenever the necessities of said works shall require such sale to be made. Such bonds, when held by a citizen of the State of Missouri, shall be exempt from taxation thereon. All bonds or certificates of debt, to be issued as aforesaid, shall be signed by the mayor and countersigned by the comptroller and treasurer of said city; and a record of all such bonds, or certificates of debt, shall be made and kept by the said comptroller and treasurer, respectively. The proceeds of the sales and pledges of said bonds shall be placed on deposit in any banking institution that may be designated by the common council, for which said institution shall give satisfactory security, to be approved by said council; and all moneys to be paid on account of said works shall be drawn upon warrants signed by a majority of said commissioners, which warrants shall be countersigned by the mayor and comptroller; and if said commissioners, or any of them, shall use of any of said money for his or their private purposes, shall, upon conviction of the fact before the criminal court, be imprisoned in the State prison not less than two nor more than five years.

SEC. 8. The common council may, from time to time, regulate the prices or rents for the use of water supplied by the works now in existence and those herein authorized to be constructed, with a view to the payment, from the net income, rents and receipts thereof, not only of the semi-annual interest, but ultimately of the principal, also of the St. Louis water bonds, so far as the same may be practicable and reasonable; and

the said net surplus income, rents and receipts, after deducting all expenses and charges of distribution, shall be set apart as a sinking fund, and shall be appropriated for and toward the payment of the principal and interest of the said bonds; and shall, under the management, control and direction of the mayor, comptroller and treasurer, and two members of the common council, to be chosen by the council annually therefor, who shall be trustees of the said fund, be applied solely to the purpose and use aforesaid, until the said bonds shall be fully paid and discharged; and the said trustees shall, whenever thereto required by the common council, render a just, true and full account to the said common council of all their receipts, payments and doings under the provisions of this section.

SEC. 9. The city of St. Louis is authorized to convey the water, by means of the works herein provided for, or such additional works as may be necessary, into the city of Carondelet, or into any other town or city in the county of St. Louis, whenever the said city of St. Louis shall make a satisfactory arrangement with any of the said cities or towns therefor.

SEC. 10. That whenever a majority of the property holders on any street, lane, or alley in said city of St. Louis, shall hereafter petition for water pipe to be laid along such street, lane, or alley, or whenever two-thirds of the members of the common council shall, by vote, declare it to be necessary, the city shall cause the same to be laid; the cost of all pipe and laying thereof, as above provided, shall be apportioned and charged on the adjoining lots, in the proportion of their fronts, and be paid by the owners of such lots, respectively; and they shall be bound to pay for the same as though the liabilities were contracted by themselves, and may be sued therefor accordingly; and the lots or lands chargeable therewith shall also be held by a lien for the respective apportioned share of such cost until the same be fully paid. Such lien may be enforced by special tax, levy, and sale, or by proceedings of law, all according to such provisions as may be prescribed by said common council; and in no case shall a license be issued for the use of the water until the tax for the water pipe has been paid: *Provided*, That such tax shall not be greater, in the opinion of the mayor, than the cost of a six-inch pipe; and the common council is hereby authorized to assess, in like manner, the property fronting on any street, lane, or alley where a supply pipe is now laid, with such portion of the cost thereof as, in the opinion of said council, shall be equivalent to the cost of a six-inch supply pipe, or less if a smaller pipe is used; and said council is also hereby authorized to assess all property fronting on any street or alley, or other way, where a water pipe is now, or shall hereafter be laid, with a tax not exceeding one-twentieth of one per cent. per annum on the valuation of such property; the proceeds of such tax to be disposed of in the same manner as the other revenue from the works herein authorized to be constructed.

Approved, March 23, 1863.

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## AN ACT

CONCERNING THE HOUSE OF REFUGE OF ST. LOUIS COUNTY.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. The act approved March 14, 1859, amendatory of the act of February 28, 1855, establishing a house of refuge in St. Louis county, is hereby repealed, and the said act of February 28, 1855, establishing said house of refuge, is hereby restored and re-enacted, in the form and terms in which it was passed on said last-named date, as fully as if said amendatory act had not been passed.

SEC. 2. The city of St. Louis shall have no power, without authority given by the General Assembly, to sell, incumber, lease, or convey the north half of block number eighty of the common of St. Louis, according to the survey and plat thereof, made by Charles DeWard, being the same property on which said house of refuge stands; but the same shall be,



and remain, dedicated to the use of said house of refuge forever, unless the said General Assembly should by law otherwise direct.

SEC. 3. The county court of St. Louis county is hereby authorized to appropriate from the county treasury of said county, each year, the sum of three thousand dollars, or more in their discretion, to aid in the support of said house of refuge, the same to be paid to the treasurer of said house of refuge, or such other person as may be authorized by the board of managers to receipt for the same, and to be paid in regular quarterly payments.

This act shall take effect upon its passage.

Approved, March 23, 1863.

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## AN ACT

### TO CONSOLIDATE CERTAIN ROADS.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. That the stockholders owning the Seventeenth Street Branch Railway, in the city of St. Louis, are hereby authorized to organize and consolidate as an independent company, in conformity with an act to authorize the formation of railroad associations and to regulate the same, under the name and style of the Union Railway Company, with all the rights and franchises set forth in ordinance No. 4,558 of the city of St. Louis, permitting the Union Railway Company to lay their track along certain streets, and likewise with all the rights and franchises heretofore conferred on said Seventeenth Street Branch Railway, making of the same a continuous road with a single fare.

SEC. 2. That the said Union Railway Company may make with the Citizens' Railway Company any arrangement for connecting with and using a part of its track, until the completion of the former, that may be mutually agreed upon.

SEC. 3. That all acts and parts of acts inconsistent with this act are hereby repealed.

Approved, November 23, 1863.

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## AN ACT

### IN RELATION TO THE IMPROVEMENT OF STREETS IN THE EXTENDED NEW LIMITS OF THE CITY OF ST. LOUIS.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. The board of common council of the city of St. Louis shall cause streets or portions of streets in the extended new limits of said city to be improved whenever a majority of the property holders resident on a street or portion of a street shall petition therefor.

SEC. 2. All acts and parts of acts, so far as they conflict with the provisions of this act, are hereby repealed.

This act shall take effect and be in full force from and after its passage.

Approved, December 12, 1863.

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## AN ACT

AMENDATORY OF AN ACT ENTITLED "AN ACT CREATING A BOARD OF POLICE COMMISSIONERS, AND AUTHORIZING THE APPOINTMENT OF A POLICE FORCE FOR THE CITY OF ST. LOUIS," APPROVED MARCH 27, 1861.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. Section three of the act to which this act is amendatory, as recited above, is hereby amended as follows: By adding after the word



“capacity” (in the fifth line of the printed laws of the session of 1860 and 1861) the words, “who shall be *ex-officio* president of said board; and said board shall appoint one of their members as vice president, who shall act during the absence of the president.”

SEC. 2. Section seven is hereby amended as follows: By adding, after the words “chief of police,” the words, “who shall give bond, with security, in the penal sum of twenty thousand dollars, for the faithful performance of his duties.”

SEC. 3. Sections eight and nine are hereby amended as follows: Each captain shall receive seventy-five dollars per month; each lieutenant seventy dollars; each sergeant sixty-five dollars, and each ordinary policeman and detective sixty dollars; each turnkey fifty dollars, payable monthly.

SEC. 4. In addition to the police force authorized by the act to which this act is amendatory, there shall be appointed, enrolled and employed an additional force of not more than thirty men and one captain, and ordinary policemen, as is now by law provided, which additional force shall be used and employed solely in the extended new limits of the city of St. Louis, at such points thereof, and in such proportions, as the several localities require.

SEC. 5. It is hereby made the duty of the board of police commissioners to estimate what additional sum of money will be necessary to enable them to carry out the provisions of this act, and to certify the same to the board of common council of the city of St. Louis, who are hereby required, as soon as possible, to set apart and appropriate the amount so required, agreeably to section (15) fifteen of the act to which this is amendatory. The whole of said appropriation for police purposes not to exceed the sum of one hundred and seventy-five thousand dollars.

SEC. 6. All parts of the act to which this act is amendatory, inconsistent with the provisions of this act, are hereby repealed.

This act to be in force and take effect from and after its passage.

Approved, December 12, 1863.

## AN ACT

TO ESTABLISH THE LINDELL RAILWAY COMPANY.

*Be it enacted by the General Assembly of the State of Missouri:*

SECTION 1. That John H. Lightner, Wayman Crow, Dwight Durkee, Levin H. Baker, John M. Krimm, Daniel R. Garrison, William Patrick, Joshua Cheever, Bernard Crikhard, William D'Oench, Charles K. Dickson, William Meyer and Morris Taussig, and their associates, are hereby incorporated under the name of the Lindell Railway Company, and by that name and style shall have power to construct a double-track railway, with turnouts and switches at convenient points, in the city and county of St. Louis, from the west line of Third street, at its intersection with Washington avenue, in said city; thence extending westwardly, along the center line of said avenue, to Grand avenue; thence southwardly, along the center line of Grand avenue, to Lindell avenue, and thence westwardly, along the center line of Lindell avenue, to the road called or known as the Second King's Highway; also, along Fourteenth street, from Washington avenue to Clark avenue; thence along Clark avenue to Tacon avenue; thence along Tacon avenue to Chouteau avenue; thence along Chouteau avenue to Jefferson avenue, or Pratte avenue; thence along Chouteau avenue to Grand avenue, and to the intersection of Chouteau avenue and Manchester road: *Provided*, That, instead of following the route from Clark avenue to Chouteau avenue, said company may extend its track along Fourteenth street to Chouteau avenue, and

thence along Chouteau avenue to Pratte avenue or Jefferson avenue. Said company may make an arrangement for running its cars over the line of the People's Railway Company, along Chouteau avenue from Fourteenth street to St. Ange avenue; and, in case of failure to make such arrangement, said company may lay single track along Papin avenue and Poplar street, from Fourteenth street to Tayon avenue, and thence follow the route described in this section; and said corporation, by the name and style aforesaid shall have power to make contracts of every kind and nature, buy, hold and sell real and personal property, and may have a seal, and alter the same at pleasure.

SEC. 2. The said railway shall be operated for the carrying of passengers by horse-power, and the part thereof within the limits of the city of St. Louis shall be subject to the ordinances, rules and regulations ordained and established by said city for the government of other street railways or roads.

SEC. 3. The capital stock of said railway company shall be six hundred thousand dollars, divided into shares of one hundred dollars each; but the board of directors of the company may increase its stock to eight hundred thousand dollars by a majority vote entered on the minutes of their proceedings.

SEC. 4. The business and affairs of said railway company shall be conducted and managed by a board of five directors, who shall be stockholders, and be elected annually by the shareholders, who may vote by proxy, and each shareholder, or company, shall be entitled to one vote for each share of stock held at the time of the election for directors: *Provided, however,* That any person or company holding an excess of two hundred and fifty shares, shall only be entitled to one vote for every ten shares of such excess.

SEC. 5. The directors shall appoint one of their own number president, and may appoint a secretary and such other officers and agents as may be deemed necessary, and they may make all needful by-laws, rules and regulations for the company.

SEC. 6. The said company shall commence the construction of said railway between Third and Eighteenth streets, in the city of St. Louis, within twelve months from the passage of this act, and said railway shall be extended westwardly from Eighteenth street, upon said Washington and Lindell avenues, within twelve months after said avenues shall have been graded, paved, or macadamized, and rendered fit for the construction of a railway on them, and complete said railway track to the line of the present city limits within two years thereafter; the directors shall make calls for the payment of the capital stock at such times, and in such manner as they may deem proper, and if any stockholder shall fail to pay any such requisition within ten days after the time appointed, the company may recover the same by suit, with interest, and, if not paid within the time prescribed, may declare the stock forfeited.

SEC. 7. The said Lindell Railway Company shall have the right and privilege to run their cars over any track or tracks which may be constructed on Washington avenue, from Third street to Eleventh street, by the Bellefontaine Railway Company or any other company. The terms of running over said tracks shall be fixed between said companies; and, if the terms can not be agreed upon between themselves, then by two disinterested parties, who shall be stockholders in some street railway in the city of St. Louis, one of whom shall be chosen by one company, and one by the other company; and, if said two persons can not agree, they shall choose the third person, and the decision of the majority of the three shall be final.

SEC. 8. This act shall continue in force fifty years from its passage, and all acts and parts of acts heretofore enacted by the General Assembly, which are contrary to or inconsistent with this act, are hereby repealed.

Approved, January 26, 1864.

## AN ACT

TO DEDICATE FOR USE, AS A PUBLIC HIGHWAY, LAND IN THE CITY OF ST. LOUIS.

*Be it enacted by the General Assembly of the State of Missouri, as follows :*

SECTION 1. So much of the land now occupied by the Missouri Institute [Institution] for the Education of the Blind, as lies within the lines of Twentieth, *alias* Nineteenth street, as now established, sixty feet wide, by city ordinance number 4,724, between Morgan street and Franklin avenue, in the city of St. Louis, is hereby dedicated to public use as a street.

SEC. 2. The city of St. Louis, through its authorized officers, is hereby empowered to take possession of and improve the same, in accordance with the laws in such case made and provided.

This act to take effect from and after its passage.

Approved, January 26, 1864.

## AN ACT

TO PROVIDE FOR THE PAYMENT OF THE POLICE OF THE CITY OF ST. LOUIS.

*Be it enacted by the General Assembly of the State of Missouri, as follows :*

SECTION 1. For the purpose of providing additional means for paying the police force of the city of St. Louis, the board of common council of said city shall levy an additional tax of one-tenth of one per centum on all property in said city made taxable by law for State purposes for the year eighteen hundred and sixty-four, and for each year thereafter; and all moneys collected from such tax shall be set apart as a special fund, to be used for no other purpose; and any ordinance of said board appropriating any part of said moneys to any other use or purpose, shall be utterly void.

SEC. 2. In addition to the appropriation already made by said board for the support of the city government for the fiscal year ending the first Monday of April, eighteen hundred and sixty-four, the said board may make additional appropriations prior to said date for the payment of said police force during said fiscal year, anything in existing laws to the contrary notwithstanding.

SEC. 3. The county of St. Louis shall be chargeable with one-fourth of the whole expense of the police force of said city of St. Louis for the year eighteen hundred and sixty-four, and for each year thereafter, and the county court of said county shall, from time to time, appropriate money out of the county treasury to meet that proportion of said expense; and whenever the said board of police commissioners shall need money to meet the expenses of said police force, they shall make requisition upon said county for one-fourth, and upon said city for three-fourths thereof.

SEC. 5. [4.] This act shall take effect upon its passage.

Approved, February 5, 1864.

## AN ACT

AUTHORIZING THE MAYOR AND COMMON COUNCIL OF THE CITY OF ST. LOUIS TO ISSUE THE BONDS OF THE CITY TO PURCHASE THE ST. LOUIS GAS COMPANY WORKS.

WHEREAS, It is provided in the charter of the St. Louis Gaslight Company that the city of St. Louis shall have the privilege of purchasing the said company's works in twenty-five years from the first day of January, 1840, by the city council giving to said company six months' notice prior



to the first day of January, 1865; *and whereas*, the said city council may desire to purchase the gasworks aforesaid, at the time aforesaid; *and whereas*, to enable the city to purchase the works of said company, it is necessary to have authority to issue the bonds of the city, to be converted into money to pay for the same in case the city decides to purchase; therefore,

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. It shall and may be lawful for the city of St. Louis, at any time after the common council of said city shall decide to purchase the gasworks of the St. Louis Gas Company, to issue the bonds of the city, in sums of one thousand dollars each, bearing six per cent. interest, and having twenty or less years to run, to any amount the said city council shall determine as necessary for the purchase of the gasworks aforesaid, and the said bonds may be sold, and the proceeds applied to the purchase aforesaid, and to no other purpose whatever.

This act to take effect and be in force from and after its passage.

Approved, February 5, 1864.

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## AN ACT

TO INCORPORATE THE BELLEFONTAINE RAILWAY COMPANY OF ST LOUIS.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. That A. W. Henry, Felix Coste, M. W. Warne, Norman Cutler, Silas Bent, Jacob P. Tirrill, A. L. Holmes, G. W. Eltonhead, W. D. Griswold, Charles W. Irwin, Ridgeway Hogue, H. M. Kittrick, and their associates, are hereby created a body politic and corporate, by the name of the Bellefontaine Railway Company, with a capital stock of one hundred thousand dollars, with the privilege of increasing the same to such an amount as may be necessary for the construction and equipment of said railway, not to exceed five hundred thousand dollars; and by said name may sue and be sued, plead and be impleaded, in all courts; may have a corporate seal and alter the same at pleasure; and the said railway company shall have power to hold, purchase and convey such real and personal estate as the purposes of said company may require; to appoint such subordinate officers and agents as the business of said company may require, and allow them suitable compensation; to make by-laws for the management of its property, the regulation of its affairs, and for the transfer of its stock; and may continue and have succession for fifty years, and shall be subject to such taxation as other property.

SEC. 2. The said railroad company shall have power to construct, maintain and operate a double or single track railway, with turnouts and switches at convenient points, in the city and county of St. Louis, from the west line of Third street, at its intersection with Washington avenue; thence westwardly along said avenue, to Ninth street; thence, with a double or single track, on said Ninth street, to Green street; thence, with a double or single track, on Green street, to Tenth street; thence, with a double or single track, on Tenth street, to Herbert street; also, on Washington avenue westwardly to Eleventh street; thence, with a double or single track, on Eleventh street to Herbert street; thence, with a double or single track, on Herbert street, to Twentieth street; thence on Twentieth street, or on Herbert street, to Kossuth avenue; thence on Kossuth avenue to Grand avenue; also, with the privilege of extending said railway, by branch tracks, northwardly from Herbert on any street or streets now open or to be hereafter opened to the Bellefontaine and Calvary cemeteries.

SEC. 3. It shall be lawful for the said railway company to borrow money and mortgage its railway equipments and franchises, in such manner and for such an amount as the board of directors may deem best.

SEC. 4. The said railway shall be operated by horse power only within the limits of the city of St. Louis.



SEC. 5. The business and affairs of said railway company shall be conducted and managed by a board of five directors, who shall be chosen from the corporators named in this act, at a meeting held by said corporators at such time and place as may be agreed upon by any three of said corporators. At said meeting a majority of said corporators shall vote in person or by proxy for the election of the said five directors, each corporator casting one vote, and those persons having the largest number of votes cast shall be declared elected, and shall hold their offices for one year after this act is in full force and effect, and until their successors are elected and qualified. On the first Tuesday in April, annually, after the said election, the stockholders of said railway company, between the hours of ten in the forenoon and three in the afternoon, and at such time and place as the board of directors shall appoint, shall hold an election to choose five directors to serve for the ensuing year and until their successors are duly elected, and a written or printed notice of every such election, or any special election, shall be given to every stockholder, personally or through the postoffice, at least ten days before the day of election; but if, from any cause, an election be not held on the day specified, it may be held on any other day which may be appointed by the board of directors. All elections shall be by ballot, and the name and number of shares of each stockholder shall be endorsed on his ballot, every stockholder being entitled to one vote for each share of his stock, and he may vote in person or by proxy, and those persons receiving the largest number of votes shall be declared elected, and in case of a tie vote between any two persons, both of whom can not become a director without increasing the number of the board, the remaining members of the board shall decide which shall serve.

SEC. 6. The first board of directors shall open books for the subscription of stock in the said railway company, and the payment of stock shall be made at such times and in such sums as the board of directors may require; and the board shall have power to provide for the forfeiture to the company of the stock of those who fail to make such payment, and to elect a president and secretary.

SEC. 7. The said railway company shall commence the construction of said railway within twelve months from the first day of April, 1864, and be completed to Herbert (or Hebert street), within three years thereafter.

SEC. 8. The said Bellefontaine Railway Company shall have the right and privilege to run their cars over any track or tracks which may be constructed on Washington avenue, from Third street to Eleventh street, by the Lindell Railway Company, or any other company. The terms of running over said tracks shall be fixed between said companies, and if the terms can not be agreed upon between themselves, then by two disinterested persons, who shall be stockholders in some street railway in the city of St. Louis, one of whom shall be chosen by one company and one by the other company, and if said two persons are unable to agree, they shall choose the third person, and the decision of the majority of the three shall be final.

SEC. 9. All acts and parts of acts conflicting with this act are hereby repealed.

This act to take effect and be in full force from and after its passage.

Approved, February 8, 1864.

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## AN ACT

TO PROVIDE FOR A REVISION OF THE CHARTER OF THE CITY OF ST. LOUIS.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. At the city election to be held in the city of St. Louis on the first Monday in April, eighteen hundred and sixty-four, there shall be elected by the qualified voters of each ward of said city one delegate to a city convention, for the purpose of revising the charter of said city and framing a bill for a new charter therefor.

SEC. 2. No person shall be eligible to a seat in said convention unless he be, at the time of his election, at least thirty years of age, and shall have resided in said city at least five years next preceding his election, and shall have taken and filed, in the clerk's office of the St. Louis county court, the oath prescribed in the second section of the ordinance of June 10th, 1862, entitled "an ordinance defining the qualifications of voters and civil officers in this State."

SEC. 3. No delegate to said convention shall receive, directly or indirectly, any compensation for his services as such.

SEC. 4. The first meeting of said convention shall be held in the chamber of the board of common council of said city, on the first Monday of May, eighteen hundred and sixty-four, and subsequent meetings may be held at such times as may be determined by a vote of the body. At all meetings six members shall be sufficient to constitute a quorum for the transaction of business, but a less number may adjourn over and send for absent members.

SEC. 5. The said convention shall elect one of their number to be president of the body, and shall also elect a clerk, whose duty it shall be to keep an accurate record of the proceedings of the convention, and to perform such other services as the convention may require. He shall receive a compensation for his services at the rate of not exceeding five dollars for each day upon which he shall attend the sittings of the convention, to be paid out of the treasury of the city, upon the certificate of the president.

SEC. 6. The said city shall provide said convention with all needed stationery, and shall pay all expenses which may be certified by the president.

SEC. 7. The proceedings of said convention shall be governed by the standing rules of the board of common council of said city, so far as the same may be applicable, but the convention may change the said rules or adopt others at its discretion.

SEC. 8. The said convention shall carefully examine the charter of, and all laws applicable to, said city, and proceed to frame a bill for a new charter therefor, which, when adopted by that body, shall be printed in the form in which bills for legislative bodies are usually printed, and two hundred copies thereof shall, by the president of the convention, be laid before the next General Assembly, at its first regular session. The said bill shall be published in the newspapers in said city which publish the proceedings of the board of common council, at least thirty days before the first regular session of the next General Assembly.

SEC. 9. Should any vacancy occur in said convention by death, resignation, or removal from the city, the same shall be filled by appointment by the mayor, with the consent of the board of common council of said city.

This act shall take effect upon its passage.

Approved, February 13, 1864.

## AN ACT

FOR THE BENEFIT OF THE CITY OF ST. LOUIS.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. That the city council of the city of St. Louis shall have full power, with the approval of the mayor, to determine all questions arising with reference to street railroads in the corporate limits of said city, whether such questions may involve the incorporation of companies to construct such street railroads, granting the right of way, or regulating and controlling any such railroads after their completion.

SEC. 2. The city council of said city, with the approval of the mayor, shall have full power to sell the right of way for such street railroads to the highest bidder, having given at [least] one month's notice thereof in the newspapers published in said city; the proceeds of such sale or sales to

be applied to the benefit of the common schools within the limits of said city. Further power is hereby given to tax the stock or other property of street railroad companies, in all cases not contravening existing laws.

SEC. 3. This act to take effect from and after its passage.

Approved, February 15, 1864.

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## AN ACT

TO REPEAL THE FIRST AND SECOND SECTIONS OF AN ACT ENTITLED "AN ACT SUPPLEMENTARY TO THE SEVERAL ACTS INCORPORATING THE CITY OF ST. LOUIS," APPROVED JANUARY 16, 1860.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. That the first and second sections of an act entitled "an act supplementary to the several acts incorporating the city of St. Louis," approved January 16, 1860, be and the same are hereby repealed.

SEC. 2. The cost of paving, macadamizing, or otherwise improving, constructing, reconstructing, and repairing all streets, alleys, and other highways in the city of St. Louis, which, under existing laws, is chargeable to the property adjoining, or in the vicinity of, such work, shall be assessed by the city engineer as a special tax against such property, in such manner as the common council may, by ordinance, direct, and shall be collected as other taxes are collected, according to the provisions of an act of the General Assembly of the State of Missouri, entitled "an act in relation to the assessment and collection of taxes in the city of St. Louis, levied for the purposes of the government thereof," approved, January 17, 1863.

SEC. 3. Nothing herein contained shall be so construed as to affect any proceedings in any court, or the collection of any special taxes assessed by the city engineer, under the provisions of the sections of the act hereby repealed, that may have been commenced or assessed before the approval of this act.

This act shall take effect and be in force from and after its passage.

Approved, February 15, 1864.

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## AN ACT

TO ESTABLISH A PUBLIC PARK FOR THE USE OF THE INHABITANTS OF THE CITY OF ST. LOUIS.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. The commissioners hereinafter appointed are hereby authorized to select and designate such pieces or parcels of land, situate, lying, and being west and near the city of St. Louis, not to exceed, in all, three hundred and fifty acres, as, in their judgment, shall be best adapted for a public park, and which can be obtained or secured on the most reasonable terms for that purpose; and, when so selected and designated, the same shall be set apart and improved, in accordance with the provisions of this act, to be a public park, for the use and benefit of the inhabitants of the city of St. Louis, to be held and used as a public park forever.

SEC. 2. The commissioners hereinafter appointed are hereby authorized to enter upon and take possession, for the city of St. Louis, of the land above described, for the use aforesaid, and to close up the streets and avenues laid out through the same, and inclose the land so taken, and make such improvements, from time to time, as they may deem necessary and proper for a public park.

SEC. 3. There is hereby created a board of commissioners, to consist of seven members, to be styled "The Commissioners of the Central



Park," who shall represent the city of St. Louis in all things pertaining to said park; shall make all necessary rules, regulations and by-laws for the government of said park, and the transaction of business pertaining to the same; they shall appoint all agents, engineers and superintendents of the work and grounds, and fix the wages of all employees; shall have control of all moneys provided for the improvement of said park; they shall make an annual report of their proceedings and expenditures to the common council of the city of St. Louis, which report shall show the progress of the work on the first day of October in that year, and shall be furnished to the council within thirty days after that date.

SEC. 4. The mayor of the city of St. Louis, the comptroller of the city of St. Louis, and the president of the common council, shall be *ex-officio* members of said board of commissioners, and the remaining four shall, after the expiration of the term of those hereinafter appointed, be elected by the common council of the city of St. Louis, and shall hold their office for four years, and until their successors are elected and qualified. The first board shall consist of John H. Lightner, James B. Eads, Henry Shaw, and William McPherson; two of those named shall hold their office until the first day of January, 1866, and two shall hold their office until the first day of January, 1868, to be determined by lot, at the first meeting of the board.

SEC. 5. The board of commissioners herein provided for shall, after the passage of this act, proceed to organize, without unnecessary delay, and may proceed to acquire the title to the property herein described, or any part thereof, by private purchase, or by lease, with the privilege of purchase at a price to be fixed at the time of making the lease. But if no such purchase or lease can be made on terms deemed just and reasonable by the commissioners, then it shall be the duty of said board to cause said land, or so much thereof as shall not have been purchased or leased, to be condemned for public use.

SEC. 6. If the board of commissioners find it necessary to condemn said land, or any part thereof, they shall notify the city counselor of the city of St. Louis, who shall give notice that, on a day to be named, the city of St. Louis will make application to the St. Louis land court, or the judge thereof, in vacation, for the appointment of commissioners of estimate to appraise the land mentioned in the notice, for public use, which notice shall be addressed to all whom it may concern, and shall be published in two newspapers published in the city of St. Louis, for at least one week before the day named upon which application is to be made.

SEC. 7. Upon presenting the application to the land court, or the judge thereof, in vacation, with evidence of the publication as above required, the court, or judge thereof, in vacation (as the case may be), shall proceed to appoint five discreet citizens of the city of St. Louis as commissioners of estimate, who shall go upon the land, and carefully examine the same, and assess the value thereof, to be paid by the city for the land so taken for public use; and shall also view the land in the vicinity of the proposed public park, and assess against the same the value of the benefits to accrue to such land from the establishment of said public park, and shall, without unreasonable delay, make a report to the land court of their proceedings.

SEC. 8. A copy of said report, and maps of the land condemned for the park, and all lands assessed for benefits, shall be filed in the city engineer's office, and a notice given of the same by publication in some newspaper published in St. Louis, for one week before said report is returned to the land court, and such report shall be open to the inspection of all parties interested.

SEC. 9. Upon the coming in of said report, signed by the commissioners, or any three of them, the said court shall, by rule or order, after hearing any matter that may be alleged against the same, either confirm the said report in full, or any part thereof, or refer the same back to said commissioners for revival or correction, or to new commissioners, to be appointed by the said court, to reconsider the subject matter thereof; and the said commissioners, to whom the said report shall be referred, shall



return the said report, corrected and revised, or a new report, to be made by them in the premises, to the said court without unnecessary delay; on the same being so returned, shall be confirmed, as a whole or in part, or again referred in manner aforesaid, as to the said court it shall appear that right and justice requires, and so, from time to time, until a report shall be made and returned in the premises which the said court shall confirm in full, and such report or reports, when confirmed, shall be final and conclusive, as well upon the city of St. Louis as upon the owners, lessees, and persons or parties interested in or entitled unto the lands and premises hereinbefore described, and upon all persons whose lands have been assessed for benefits, and also upon all persons whomsoever; and on such final confirmation of such report by the said court, the city of St. Louis shall become and be seized in fee simple absolute of all said lands, tenements, and premises hereinbefore described, and all the rights and privileges thereto belonging, in trust, nevertheless, for the uses and purposes of a public park forever, subject only to the payment of the bonds that may be issued for the purchase money; and all leases, covenants and contracts between landlord and tenant, pertaining to any of the lands so taken for public use, shall cease and determine upon the confirmation of such report.

SEC. 10. The board of commissioners of the Central Park shall, after they have taken possession of said lands for the city of St. Louis—provided the said report shall be confirmed in full, and if the same shall not be then confirmed, then after it shall be confirmed by the court—pay, on behalf of the city of St. Louis, to the respective persons or parties mentioned or referred to in the said report, in whose favor any sum or sums of money shall be estimated or reported by the commissioners of estimate, the respective sum or sums so estimated and reported in their favor, respectively; and in case of neglect or default in the payment of the same to the respective persons or parties in whose favor the same shall be reported, his, her, or their executors, administrators, or assigns, at any time after application to the mayor of the city of St. Louis, or the president of said board of commissioners, for payment thereof, may sue for and recover from the city of St. Louis the amount so due, with lawful interest from the date of such application, in any court having jurisdiction thereof; and in such suit it shall be sufficient to complain, generally, for so much money due to the plaintiff or plaintiffs, under this act, for premises taken by virtue thereof, and it shall be lawful for the plaintiffs to give any special matter in evidence under such general complaint, provided that whenever the owners of any such lands, taken by virtue of this act, shall be under the age of twenty-one years, or insane, or married women, or absent from the city and county of St. Louis, and also in all cases where the name or names of the owner or owners entitled to or interested in said land shall not be set forth in said reports, or where the title to any of the land so taken shall be in litigation, it shall be lawful for said board of commissioners, in behalf of the city of St. Louis, to pay the sum or sums mentioned in the report of said commissioners of estimate, or payable to such owners, persons or parties, respectively, into the land court, to be secured, disposed of, or held as the said court shall direct, and such payment shall be as valid and effectual, in all respects, as if made to the said owners.

SEC. 11. In all cases where estimates are made for property taken in favor of parties who have property assessed for benefits, the commissioners of estimate shall set out the facts and deduct the benefits from the damages, and make the award for the balance, if any, and the confirmation of the report by the land court shall operate as a judgment against the land for all benefits assessed, and the city shall have the right to collect the same for the benefit of the Central Park. In case of the death, resignation, or refusal to act, of the said commissioners of estimate, or either of them, the court aforesaid shall, upon the application of the city counselor, as often as such event shall happen, appoint a discreet person, being a citizen of the city of St. Louis, in the place of said commissioner so dying, resigning, or refusing to act. But it shall be competent and lawful for any three of said commissioners to perform the trust and

duties of their appointment, and their acts shall be as valid as the acts of all the commissioners so appointed.

SEC. 12. Said commissioners shall be each entitled to receive the sum of five dollars for each day they shall, respectively, be actually employed in the duties of their appointment, besides all reasonable expenses for maps, surveys, clerk hire, and other necessary expenses, which shall be taxed by said court, and paid by the city of St. Louis: *Provided*, That in case of the award being referred back to the commissioners by the court, on motion of any of the parties interested in the land condemned or benefited, and the second award is not more favorable for the applicant, then such party or parties so applying, shall pay all the costs of such reference.

SEC. 13. If the board of commissioners of the Central Park shall agree with the owners of the property hereinbefore declared to be a public park, for the purchase thereof, or any part of said land, or if commissioners of estimate are appointed, then, upon the confirmation of their report, it shall be lawful for the mayor and comptroller of the city of St. Louis to raise the amount of the purchase money of said premises, or the amount directed by the report of the commissioners of estimate to be paid; or if part by agreement and part by the award of commissioners, then to raise the amount necessary to cover both the agreements and the awards and the expenses connected therewith, by issue of the bonds of said city, bearing an interest not exceeding five per cent. per annum, payable semi-annually, in the city of St. Louis, or New York, as they may deem most advantageous; said bonds to have twenty years to run, but redeemable at the pleasure of the city after fifteen years. Said bonds shall not be sold for less than ninety-five cents on the dollar, but as long as they are held or owned by citizens of St. Louis, or by any corporation of said city, such bonds shall be exempt from all city and [?] taxes. Said bonds shall be designated by the comptroller, and shall be signed by the mayor, countersigned by the comptroller, and shall be made payable to the board of commissioners of the Central Park, or bearer, and shall be indorsed by the president of said board, and be of such denomination as the mayor and comptroller shall deem advisable. Said bonds, when indorsed by the president of the board of commissioners of said Central Park, shall operate as a first mortgage upon said Central Park, and all the land and improvements thereon shall be liable for the payment of said bonds.

SEC. 14. All vacancies occurring in the board of commissioners of the Central Park shall be filled by the common council of St. Louis. Said commissioners shall not receive any compensation for their services, nor shall they be, directly or indirectly, interested in any contract for labor, materials, or superintendence in the improvement of the park.

SEC. 15. For the purpose of paying interest on the bonds to be issued in payment for the land purchased for said public park, and providing a sinking fund to retire said bonds, as well as to provide for suitably inclosing and improving said grounds, an additional tax of half a mill per cent. will be added to the annual tax of the city, and collected and appropriated, each year, for the purposes named, and all the money thus derived, except what is necessary to pay interest on said bonds, shall be subject to the control and management of said board of commissioners of the Central Park, as well as moneys that may be derived from other sources for the improvement of said park.

SEC. 16. The city of St. Louis shall have jurisdiction over said park, and all the adjoining lands to the distance of one thousand feet on every side of said park, so far as is necessary to establish police regulations and to abate nuisances; and the police may arrest and detain offenders within the bounds named, and the city recorder shall have jurisdiction of all offenses against the police or sanitary ordinances of the city, within the bounds named, as fully as if said territory was within the corporate limits of the city.

SEC. 17. The board of commissioners herein created may, after their organization, and before proceeding to purchase or condemn said land, for information, request the mayor of the city of St. Louis to submit the

question, as to their wish for such a park, to the voters of said city, either at a special or general election, and, if so requested, the mayor shall issue his proclamation at least ten days before the day named for the election, directing the vote to be taken, and at such election the vote shall be by ballot, and the ballots shall be "for the public park," or "against the public park." If, at an election so ordered, the majority of the vote cast should be against a public park, then the said board of commissioners shall take no further action in the matter of purchasing or condemning said land, until ordered to do so by act of the Legislature.

SEC. 18. This act is hereby declared a public act, to be recognized as such in all courts and places, and shall take effect and be in force from and after its passage.

Approved, February 15, 1864.

## AN ACT

INCORPORATING THE TOWER GROVE AND LAFAYETTE RAILROAD COMPANY  
OF ST. LOUIS.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. That James B. Eads, John J. Roe, John C. Rust, Henry Shaw, Christian Staehlin, John H. Bowen, Clinton O. Dutcher, Charles F. Tracy, Erastus Wells, James B. Sickles, and Henry Whitmore, and their associates, successors and assigns, under the name and style of "The Tower Grove and Lafayette Railway Company," be and they are hereby authorized to construct, maintain, and operate a railway from Grand avenue, at its intersection with Lafayette avenue; thence, down Lafayette avenue, to the intersection of Lafayette avenue with Soulard street, a single track, embracing all necessary turnouts and switches, with the privilege of laying a double track instead; also, a single track down Soulard street to Jackson street; thence up Jackson street to its intersection with Third street; thence up Third street to Pine street; thence westwardly to Sixth street; thence southwardly to Gratiot street; thence westwardly to Beckwith street; down Beckwith street, across Chouteau avenue, to Stoddard avenue; down Stoddard avenue to Park avenue; out Park to Linn and St. Ange avenue; thence to the intersection of the main route, at the corner of Soulard and Lafayette avenue. They shall also have the further right of running over, or connecting with, the routes of any other street railroad company in said city of St. Louis with whom they can arrange terms satisfactory to both companies.

SEC. 2. The said railway company shall be constructed with tracks, as herein provided, of iron rails, the center line of the single track of which shall coincide, as nearly as may be, with the center line of the avenues and streets on which said track may be laid, and to be of the same gauge as the other city railways.

SEC. 3. The tracks of said railway shall be laid on a grade even with the grade of the streets through which it may pass, and so that the free flow of the water in the lateral and cross gutters is not thereby obstructed, and the space between the rails, and for two feet outside of the rails, shall be kept in good repair by said company, so as not to obstruct the passing, crossing, or traveling on said streets and avenues by other vehicles.

SEC. 4. Said railway, with its appurtenances, shall be maintained in good order and repair by said company, and be operated at all reasonable times for the use of the public, and each passenger may be required to pay a fare, not exceeding five cents, for transportation from any one point on said line to any other point.

SEC. 5. The stables, sheds, and horses of said company shall, in all respects, conform to existing city ordinances, and said company shall hereafter pay such licenses as may be prescribed by city ordinances, and be subject to taxes and assessment on all property belonging to them in like manner as other corporations.



SEC. 6. Said company shall be required to complete said main line and connections, and put the same in operation, within two years from the date of the passage of this act: *Provided*, The same shall not be required to be completed within a time less than two years after said Linn street, Grand and Lafayette avenues are graded and macadamized.

SEC. 7. To the city of St. Louis is reserved the right to take up and remove the rails of said company whenever it shall be necessary for the repair or improvement of the streets on which said rails may be laid, and such repairs or improvements shall be made by the city at the least possible delay, the track to be taken up and relaid at the cost of said company.

SEC. 8. The capital stock of this company shall be one hundred thousand dollars, which may be increased at the option of the company to not more than five hundred thousand dollars; said stock shall be divided into shares of fifty dollars, and each share shall be entitled to one vote for directions [directors] and in the business of the company, either by presence of the holder, or by proxy.

SEC. 9. The affairs of the company shall be managed by a board of seven directors, which may be increased to nine, one of whom shall be president. Said board of directors shall have power to provide rules and regulations for the government of the company, employ all agents, and with the power to remove the same; a majority of the directors of said company shall, at all times, be *bona fide* citizens of St. Louis, and in default of this requirement, the grants and privileges herein contained may be declared forfeited.

SEC. 10. Said railway company shall not, by any possible construction of this act, be permitted to carry freight on said railway line, under penalty of one hundred dollars for each offense, unless otherwise authorized.

SEC. 11. To the city council is hereby reserved the right to regulate the times of trips and rate of speed, whenever it shall appear that the regulations of the company in these respects do not accommodate the public necessities.

SEC. 12. This company shall, in all cases, be legally liable for all injuries or damages resulting to any person, or property of any person, through the carelessness or negligence of any person having control of said road, or employed in any capacity in the management of said road by said company.

SEC. 13. This act shall be and remain in force for twenty-five years from and after its approval.

SEC. 14. This company shall have the right of extending this road on Sixth street, from Gratiot street to Chouteau avenue, and using the track of the People's Railway Company, between Sixth and Paul streets, provided the consent of said People's Railway Company be first obtained.

SEC. 15. All acts and parts of acts conflicting with this act are hereby repealed.

This act to take effect and be in force from and after its passage.

Approved, February 15, 1864.

## AN ACT

AMENDATORY OF, AND SUPPLEMENTARY TO, AN ACT ENTITLED "AN ACT CONCERNING STREET RAILROADS IN THE CITY OF ST. LOUIS," APPROVED JANUARY 16, 1860.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SEC. 1. So much of section six of the act concerning street railroads in the city of St. Louis, approved January 16, 1860, as requires the People's Railway Company "to construct their road from St. Ange avenue along Chouteau avenue, to the point where the Pacific Railroad crosses said Chouteau avenue," within two years after the passage of said act, is hereby repealed, and said People's Railway Company are hereby authorized to extend their road along Chouteau avenue, from St. Ange avenue



to the point where the Pacific railroad crosses said Chouteau avenue, provided the same is constructed before the first day of February, A. D. 1866.

This act to take effect and be in force from and after its passage.

Approved, February 15, 1864.

## AN ACT

AMENDATORY OF AN ACT ENTITLED "AN ACT TO ENABLE THE CITY OF ST. LOUIS TO EXTEND THE WATERWORKS THEREOF, AND FOR OTHER PURPOSES," APPROVED MARCH 23, 1863.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. The third section of an act entitled "an act to enable the city of St. Louis to extend the waterworks thereof, and for other purposes," approved March 23, 1863, is hereby so amended that the four commissioners provided for in said section shall be appointed by the Governor, and all vacancies occurring in said board of commissioners shall be filled by appointment by the Governor.

SEC. 2. The commissioners appointed by the Governor shall, in all respects, have the same power [and] authority, and continue in office for the same length of time, and receive the same compensation, as if they had been elected by the board of the common council of the city of St. Louis, in conformity with the act to which this is amendatory.

SEC. 3. This act shall take effect from and after its passage.

Approved, January 18, 1865.

## AN ACT

AMENDATORY TO AN ACT ENTITLED "AN ACT CREATING A BOARD OF POLICE COMMISSIONERS, AND AUTHORIZING THE APPOINTMENT OF A POLICE FORCE FOR THE CITY OF ST. LOUIS," APPROVED MARCH 27, 1861.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. That section four (4) of an act entitled "an act creating a board of police commissioners, and authorizing the appointment of a police force for the city of St. Louis," approved March 27, 1861, be and the same is hereby repealed, and the following section substituted therefor: *Section 4.* The Governor of the State of Missouri, by and with the advice and consent of the Senate, shall, without unnecessary delay, appoint the four commissioners provided for in section three of this act, and said commissioners shall hold their offices, two of them for two years and two of them for four years from the first day of January, 1865, and until their successors shall have been appointed and qualified. The Governor shall issue commissions to the persons so appointed, designating the time for which they are severally appointed. And whenever the term of office of any commissioner expires, the appointment of his successor shall be for four years.

SEC. 2. The commissions of the present incumbents of said commissionerships shall be declared vacated by the passage of this act.

SEC. 3. All acts or parts of acts conflicting with this act shall be and hereby are repealed.

This act to take effect and be in force from and after its passage.

Approved, January 25, 1865.

## AN ACT

TO AMEND AN ACT ENTITLED "AN ACT INCORPORATING THE TOWER GROVE AND LAFAYETTE RAILROAD COMPANY OF ST. LOUIS," APPROVED FEBRUARY 15, 1864.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. Section six of an act entitled "an act incorporating the Tower Grove and Lafayette Railroad Company of St. Louis," approved February 15, 1864, is hereby amended by striking out the word "Grand." Approved, February 15, 1865.

## AN ACT

FOR THE RELIEF OF STREET RAILROAD COMPANIES IN ST. LOUIS, AND THE PROTECTION OF CITIZENS FROM CHARTERED MONOPOLIES.

WHEREAS, Certain street railroad companies in the city of St. Louis are asking from this General Assembly additional privileges, such as raising the rates of fare—alleging, as a reason, inability to carry on the business at present rates; *and whereas*, The corporators of said street railroad companies eagerly sought and obtained the franchises they now possess, the right of way on the public highways, and so forth, for private purposes; and, at the time, deemed such franchises peculiarly valuable, and did not pay said city pecuniary considerations for said franchises: *and whereas*, All privileges granted to corporations, and especially such as affect the right of way on public highways, should be granted for the benefit and convenience of the public, and not solely for individual speculation: therefore,

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. That any street railroad company in the city of St. Louis, feeling its inability or indisposition, from pecuniary loss, to carry forward the business at present rates of fare, may notify the mayor of said city of such indisposition, and surrender thereby all their chartered rights and franchises within three months from the passage of this act.

SEC. 2. The mayor may immediately proceed to dispose of said franchises, by public sale, after proper notice, by publication, of time and place of said sale, and shall sell the same to the highest bidder.

SEC. 3. The proceeds of the sale of said franchises shall be applied to the public school fund of said city.

SEC. 4. The purchaser shall pay the late company, for the road-bed and track, the first cost of said bed and track; and for the rolling stock and stables, such sum as may be appraised by disinterested appraisers, selected by both parties for that purpose.

SEC. 5. The city council of St. Louis shall have no power to increase the rates of fare on said roads, nor shall they have the right to divide or separate the lines of said roads in such manner as will increase the fare.

This act shall be in force and take effect from and after its passage.

Approved, February 16, 1865.

## AN ACT

TO AUTHORIZE THE CITY OF ST. LOUIS TO IMPROVE THE WHARF AND HARBOR, AND FOR OTHER PURPOSES.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. The harbor of the city of St. Louis shall extend from the mouth of the Missouri river to the northern boundary line of the city of Carondelet, and shall embrace the beds of the Mississippi river, its

sloughs, islands, bayous, and all high-water channels along both shores of the river.

SEC. 2. For maintaining the permanency and improving the wharf and harbor, and for opening and extending the wharf, it shall be competent for the city of St. Louis to apply all the net receipt from wharfage and all the moneys now in the city treasury to the credit of the several wharf funds; also, for the same purpose, to borrow \$500,000 by an issue of coupon bonds of the denomination of \$1,000 each, running for the term of twenty years, and bearing interest at the rate of six per cent. per annum, for the payment of the principal and interest of which the revenues of the wharf shall be pledged; and the city council, in its discretion, may levy a harbor tax of not exceeding one-tenth of one per cent. upon all property made taxable by law for State purposes within the city of St. Louis, the proceeds of which tax shall be held sacred for the purpose of paying the principal and interest of the wharf and harbor debt herein authorized to be created, and shall be paid over to the fund commissioner on the first day of each fiscal year, as may be regulated by ordinance.

SEC. 3. The city of St. Louis shall also be authorized, in addition to the wharfage, to levy and collect a tonnage tax upon all boats, rafts, and other water crafts landing at the wharf between Biddle street and Plum street, for the purpose of widening and repairing the wharf between the points mentioned, and the said city may borrow the sum of \$250,000 for the purposes above mentioned, and may issue bonds therefor, similar to bonds mentioned hereinbefore, and the said tonnage tax shall be held sacred for the payment of the principal and interest thereof, and shall be held by the fund commissioner, all, as may be provided by ordinance: *Provided*, That no part of the fund hereby created shall be used to pay for private property which may be required for the opening or extending of said wharf until the amount to be paid by the city thereof shall have been assessed as benefits to the public generally, by a jury impeached to condemn said property, as provided for by law and ordinance.

SEC. 4. This act to take effect and be in force from and after its passage.

Approved, February 16, 1865.

## AN ACT

AMENDATORY OF AN ACT ENTITLED "AN ACT AMENDATORY OF AN ACT ENTITLED 'AN ACT CREATING A BOARD OF POLICE COMMISSIONERS, AND AUTHORIZING THE APPOINTMENT OF A POLICE FORCE FOR THE CITY OF ST. LOUIS,'" APPROVED MARCH 27, 1861, APPROVED DECEMBER 12, 1863; ALSO, AMENDATORY OF AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE PAYMENT OF THE POLICE OF THE CITY OF ST. LOUIS," APPROVED FEBRUARY 5, 1864.

*Be it enacted by the General Assembly of the State of Missouri, as follows :*

SECTION 1. Section three of an act amendatory of an act entitled "an act creating a board of police commissioners, and authorizing the appointment of a police force for the city of St. Louis," approved March 27, 1861, approved December 12, 1863, is hereby amended as follows, viz: After the word "follows," in the first line of said third section, strike out the remainder of the section, and insert in lieu thereof the following, viz: "Each captain shall receive one hundred dollars per month, each lieutenant eighty-five dollars per month, each sergeant eighty dollars per month, each ordinary policeman and detective seventy-five dollars per month, and each turnkey sixty dollars per month, payable monthly."

SEC. 2. Section one of "an act to provide for the payment of the police of the city of St. Louis," approved February 5, 1864, is hereby amended, as follows, viz: Strike out, in the third line of said first section,

the word "one-tenth," and insert in lieu thereof, the word "one-seventh," and in the seventh line of said section one, after the word "purpose," strike out the remainder of said first section.

SEC. 3. All acts and parts thereof inconsistent herewith are hereby repealed, and this act to take effect from and after its passage.

Approved, February 18, 1865.

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## AN ACT

IN RELATION TO THE MISSOURI INSTITUTION FOR THE EDUCATION OF THE BLIND.

*Be it enacted by the General Assembly of the State of Missouri, as follows :*

SECTION 1. Nothing contained in an act entitled "an act to dedicate for use as a public highway land in the city of St. Louis," approved January 26, 1864, shall be so construed as to relieve said city of St. Louis from the duty of compensating said Missouri Institution for the Education of the Blind for the lands in said act mentioned, taken by said city for the purpose therein stated; and said city is hereby authorized and empowered to make full and adequate compensation to said institution for said lands, and to do all things therein which, in justice and good faith, it ought to do.

Approved, February 20, 1865.

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## AN ACT

TO INCORPORATE THE BREMEN AND CEMETERY RAILROAD COMPANY.

WHEREAS, By an act of the General Assembly of the State of Missouri, entitled "an act concerning street railroads in the city of St. Louis," approved January 16, 1860, the St. Louis Railroad Company were empowered to extend their road to the Bellefontaine and Calvary cemeteries, which they have not done, and it is desirable that the facilities of street railroad travel should be extended as speedily as possible to those desirous of visiting those cemeteries, and others living on the Bellefontaine road, beyond the northern limits of the city of St. Louis;

*Be it, therefore, enacted by the General Assembly of the State of Missouri, as follows :*

SECTION 1. That in case the said St. Louis Railroad Company shall not have extended and completed their said road, from the northern limits of the city of St. Louis, along the Bellefontaine road, to a point opposite the main entrance, on the said road, of the Calvary cemetery, and shall not have their cars running thereon, for the accommodation of passengers, at regular intervals of half an hour, each way, daily, from 6 o'clock A. M. until 8 o'clock P. M., to and from said cemetery and city limits, all on or before the fourth day of July, 1865, said company shall be taken and deemed to have forfeited and abandoned and relinquished all the right, privilege and franchise conferred upon them by said act of extending their said road, from the northern boundary of the city of St. Louis to the said Bellefontaine and Calvary cemeteries; and the company hereinafter incorporated, their associates, successors and assigns, shall thereupon be authorized to enter upon the construction of, and to complete, the railroad hereinafter specified.

SEC. 2. That Amade Valle, David Nicholson, Richard C. Shackelford, Michael S. Mephum, David White, Gustavus M. Dreyer, and Timothy P. Perkins, their associates, successors and assigns, for the period of twenty-five years, be, and are hereby, created a body politic and corporate, by the name and style of the Bremen and Cemetery Railroad Company, and by that name may sue and be sued, plead and be impleaded, answer and be answered, in all courts and places; may have a common



seal, and the same alter, change, or renew at pleasure, and by that name may contract and be contracted with; may purchase, hold and convey real or personal or mixed estate, and shall be, and hereby are, invested with all the powers, immunities and privileges which are, or may be, necessary to carry into effect the purposes and objects of this act, or the lawful business of said corporation.

SEC. 3. Should the St. Louis Railroad Company aforesaid not have constructed and completed their said road, from the northern line of the city of St. Louis, on the Bellefontaine road, to a point opposite the main entrance of the Calvary cemetery, and have the same in running order for the accommodation of passengers, in the manner specified in the first section of this act, by the fourth day of July, 1865, or if, on or before that day, there shall have been filed with the Secretary of State of this State a renunciation by said St. Louis Railroad Company, evidenced by a written declaration of such renunciation, signed by the stockholders in said company, with the certificate thereto of the president and secretary of said company, that the signatures thereto are the signatures of all said stockholders, of all the right, privilege and franchise claimed of said company, of extending and opening their said road, from the said northern line of the city of St. Louis to the Bellefontaine and Calvary cemeteries, thereupon and within sixty days after said fourth day of July, 1865, in the one case, or within the same period after the filing of such renunciation, the corporation hereby created may commence the construction, and within two years after the commencement thereof, shall complete the construction and equipment of a railroad, for the accommodation of passengers, along the Bellefontaine road, from a point on the same within twenty feet north of the present northern line of the city of St. Louis, to a point in said road within twenty feet south of the southern end of the bridge over the Maline or Gengras creek, near the Six Mile House, so-called. Said company may make and use, in connection with their said railroad, all such switches and turnouts as may be deemed necessary to facilitate the working of their said roads. They shall be entitled to construct a single or a double track between said points, and may work said road by steam or horse power. They shall be entitled to charge a fare not exceeding ten cents for all passengers, either way, over the age of twelve years, and not exceeding five cents, either way, for all passengers under the age of twelve years. They shall not be required to transport freight of any description, but may, whenever they may deem it proper, transport the remains of deceased persons to and from said cemeteries, upon such terms as may be agreed upon, but such transportation shall in no wise interrupt the regular passenger trips of said road, nor shall any such remains be placed in or about any car containing passengers others than pall-bearers, or persons accompanying said remains.

SEC. 4. The capital stock of said company shall be fifty thousand dollars, to be divided into shares of one hundred dollars each, with the privilege to increase the same to an amount not exceeding one hundred thousand dollars.

SEC. 5. The affairs of said company shall be managed by a board of directors, three in number, who shall be chosen annually by the stockholders, in the city of St. Louis, at such time and place as shall be designated in the by-laws of the company. Each share of stock shall entitle the owner to one vote; each stockholder to be entitled to as many votes as he owns shares; votes may be given in person or by proxy, under such rules and regulations as may be prescribed by the by-laws of the company.

SEC. 6. The persons above named shall constitute the first board of directors of said company, and shall hold their office until their successors are elected and qualified. They shall cause books to be opened for the subscription of stock, and as soon as five thousand dollars of said stock is subscribed, may organize said company for operation hereunder.

SEC. 7. This company shall not be subject to the provisions, nor shall any stockholder therein be subject to the provisions, of the 6th and 13th to the 16th, inclusive, nor to the 19th, sections of chapter 34 of the Revised Statutes of this State, entitled "an act concerning corporations," approved November 23, 1855.

SEC. 8. Nothing in this act shall be so construed as to authorize the company hereby created to run their cars over any road inside of the present limits of the city of St. Louis.

SEC. 9. This act shall be in force from and after its passage.

Approved, February 20, 1865.

## AN ACT

TO AUTHORIZE THE CITY OF ST. LOUIS AND THE COUNTY OF ST. LOUIS TO ISSUE BONDS TO REBUILD AND FURNISH THE HOUSE OF REFUGE, IN THE COUNTY OF ST. LOUIS.

WHEREAS, The House of Refuge in the county of St. Louis, its furniture and contents, have been destroyed by fire, and the inmates thereof are now destitute of protection and support, and it is the pride, as well as the duty, of the people of these corporations, to support and re-establish her charitable institutions; therefore,

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. The city of St. Louis and the county of St. Louis, by their several corporations, the common council of the city of St. Louis, and the county court of the county of St. Louis, are hereby authorized to issue each its several bonds of and for the sum of fifty thousand dollars, in sums of one thousand dollars each bond, coupons attached, with interest at the rate of six per centum per annum, payable annually in the city of New York; such bonds to be due and payable ten years after date, the proceeds of such bonds to be applicable solely to the rebuilding and furnishing of the House of Refuge in the county of St. Louis, lately destroyed.

SEC. 2. The common council of the city of St. Louis, and the county court of the county of St. Louis, are each of them hereby authorized to control and manage the proceeds of these bonds, and to provide such agencies for the carrying out the object of the issue of the bonds as, in their judgment and joint action, shall be most effectual for the purpose; it being the intent and purpose of this act to authorize each of these corporations to provide all details in connection with the form, issue and negotiations of the bonds by their court and council, as to them may seem fit, in accordance with the provisions of this act.

SEC. 3. This act to take effect from and after its passage.

Approved, February 20, 1865.

## AN ACT

PERFECTING AND PROTECTING THE TITLE OF THE CITY OF ST. LOUIS TO CERTAIN REAL ESTATE HELD FOR PUBLIC USE.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. The county court of St. Louis county may convey, or cause to be conveyed, to the city of St. Louis, according to law, all of the right, title and interest of said county in and to all the pieces and parcels of land within the corporate limits of said city, which have been vested in said county under or by virtue of all or any of the following mentioned acts of the General Assembly of the State of Missouri, to-wit: "An act concerning plats of towns and villages," approved, December the 18th, 1824; "An act concerning plats of towns and villages," approved, February the 20th, 1835; "An act concerning plats of towns and villages," approved, February the 12th, 1845; and "An act concerning the plats of towns and villages," approved, November the 17th, 1855.

SEC. 2. Whenever any piece or parcel of land which is now, or may hereafter be, owned or held by said city for public use, shall be no longer wanting for such public use, such land may be sold by said city, and conveyances of the same may be made to the respective purchasers thereof, in such manner as said city shall, by ordinance, provide.

SEC. 3. All of the right, title and interest in and to all real estate within the corporate limits of said city, which may, at any time hereafter, be dedicated, donated, or granted to any public use, shall vest in the corporation of the city of St. Louis, unless otherwise expressed in the conveyance, plat, map, or other instrument making or creating such dedication, donation, or grant.

SEC. 4. No law or statute of this State limiting the time for commencing any action, suit, or other proceeding for the recovery of the possession of real estate, or for the recovery of any right, title, or interest therein, shall prevent or prohibit the city of St. Louis from commencing any such action, suit, or other proceeding, at any time within ten years after the expiration of the time limited in such law or statute, for the commencement thereof, nor from prosecuting the same to final judgment and final execution, or final determination, in the same manner, and under the same rules and regulations, as if such action, suit, or other proceeding had been commenced within the time prescribed by such law or statute.

SEC. 5. No law hereafter passed shall be deemed or construed as changing, or altering, or repealing the whole or any part of this act, unless the title of this act, and the date of the approval of the same, be expressly mentioned or referred to in such law.

This act to take effect and be in force from and after its passage.

Approved, February 20, 1865.







# DIGEST

OF

## CHARTERS AND LAWS

AFFECTING

### THE CITY OF ST. LOUIS,

IN FORCE UP TO THE FIRST MONDAY IN NOVEMBER, 1865

#### CHAPTER I.

#### *Of Boundaries, Corporate Powers, and Division into Wards.*

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SECTION 1. All that district of country situated in the county of St. Louis, embraced within the following limits, to-wit: Beginning at a point in the middle of the main channel of the Mississippi river, where the continuation of the south side of Keokuk street eastwardly would intersect said main channel;

Act December  
5, 1855, § 1, p.  
116.

thence westwardly, by the said line of the south side of Keokuk street, to a point six hundred and sixty feet west of Grand avenue; thence northwardly, and parallel to said Grand or Lindell avenue, at a distance of six hundred and sixty feet therefrom, until it intersects the Bellefontaine road; thence northeast, to the line dividing townships forty-five and forty-six north, range seven east; thence eastwardly, with said line, and in the same direction, to the middle of the main channel of the Mississippi river; thence southwardly, with the meanderings of the main channel of said river, to the place of beginning, is hereby incorporated into a city, by the name of "The City of St. Louis."

*Ibid.*, § 2, p. 116,  
as amended by  
act of March 14,  
1859, § 3, p. 128.

SEC. 2. All acts and parts of acts now in force concerning the City of St. Louis or the inhabitants thereof, and not inconsistent with, or repugnant to, the provisions of this act, shall extend to all the district of country included in the above mentioned boundaries, and to all the inhabitants therein; and the mayor and common council shall have and exercise within said boundaries, all the power and authority now vested by law in the mayor and common council of the City of St. Louis, as at present established, except as herein otherwise provided.

Act December  
5, 1855, § 3, p.  
116, amended as  
above.

SEC. 3. The City of St. Louis shall be divided into eight wards, and the common council may, at any time, district the city into ten wards, the boundaries of which shall be fixed by the common council, by straight lines running east and west, deviating to equalize population; and each ward shall, as near as practicable, contain an equal number of white male inhabitants; and the common council shall, from time to time, change the lines of each of said wards for the purpose of equalizing population in the same; but in so changing must adhere to straight lines, as above, as near as may be.

Act March 3,  
1851, art. i, § 2,  
p. 91.

SEC. 4. The inhabitants of the City of St. Louis, as the same extends and is laid out above, and their successors, forever, are hereby constituted a corporation and body politic, in fact and in law, by the name and style of "The City of St. Louis," and by the same name shall have perpetual succession, shall sue and be sued, implead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatsoever; may

purchase, receive, and hold property, real and personal, within said city: and may sell, lease, or dispose of the same for the benefit of the city; and may purchase, receive and hold property, real and personal, beyond the limits of the city, to be used for the burial of the dead of the city; also for the erection of water-works to supply the city with water; and also for the establishment of a hospital for the reception of persons infected with contagious and other diseases; also, for a poorhouse, workhouse, or house of correction; and may sell, lease, or dispose of such property for the benefit of the city; they shall have and use one common seal, and may break, change, alter, and make a new seal at pleasure.

SEC. 5. The city of St. Louis is hereby declared to be capable of taking and holding property, real and personal, both within and without the city limits, given or to be given to charitable purposes, and of executing all such charity trusts, in like manner as natural persons are. Act March 12, 1859, p. 126.

SEC. 6. Whenever any piece or parcel of land, which is now or may hereafter be owned or held by said city for public use, shall be no longer wanted for such public use, such land may be sold by said city, and conveyances of the same may be made to the respective purchasers thereof, in such manner as said city shall by ordinance provide. Act February 20, 1865, § 2, p. 174.

SEC. 7. All of the right, title and interest in and to all the real estate within the corporate limits of said city, which may at any time hereafter be dedicated, donated or granted to any public use, shall vest in the corporation of the city of St. Louis, unless otherwise expressed in the conveyance, plat, map, or other instrument, making or creating such dedication, donation, or grant. Ib., § 3, p. 174.

SEC. 8. No law or statute of this State, limiting the time for commencing any action, suit, or other proceeding for the recovery of the possession of real estate, or for the recovery of any right, title or interest therein, shall prevent or prohibit the city of St. Louis from commencing any such action, suit or other proceeding, at any time within ten years after the expiration of the time limited in such law or statute for the commencement thereof, nor from prosecuting the same to final judgment and final execution, or final determination, in the same manner, and under the same rules and regulations, as if such action, suit or other proceeding Ib., § 4, p. 174.



had been commenced within the time prescribed by such law or statute.

Act March 3,  
1851, art vii,  
§ 12, p. 101.

SEC. 9. The inhabitants of St. Louis are hereby exempted from working upon any road beyond the limits of the city, and from paying any tax to procure laborers to work upon the same.

Ib. § 13, p. 101.

SEC. 10. The city shall not, at any time, become a subscriber for any stock in any corporation.

Act February 23,  
1853, § 9, p. 106

SEC. 11. But the city of St. Louis shall have power to subscribe any amount of stock she may deem proper to any railroad to be constructed within the State of Missouri ; and may issue her bonds to pay her subscriptions, for such length of time, and upon such terms and conditions, as she may deem proper, and take all steps she may think proper to protect her interest in any railroad to which she may or has subscribed any stock.

CHAPTER II.

*Of the Common Council.*

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SECTION 1. The city council shall consist of one board, Act March 14 1859, § 3, p. 128.  
called the board of common council, who shall possess all the powers, and exercise all the functions of the board of aldermen and city council as heretofore constituted. Said board shall consist of twenty members, two to be elected in each ward; and no person shall be eligible who shall not have resided three years in the State of Missouri, and be a resident of the ward from which he is elected, and be a citizen of the United States and of the State of Missouri, or who shall be delinquent in the payment of taxes or other dues to the city.

SEC. 2. On the first Monday of April, 1869, and every year Ibid, § 4, p. 128.  
thereafter, each ward in the city shall elect one councilman, who shall hold his office for two years, so that one-half of the members of the common council shall be elected in each year.

SEC. 3. If any councilman shall, after his election, remove Act March 3, 1851, § 5 art. ii, p. 92, as altered by act March 14, 1859, p. 128.  
from the ward for which he was chosen, his office shall be thereby vacated.

SEC. 4. The board of common council shall elect one of their Ibid, § 7 and 8 p. 92 as amended by act March 14, 1859, p. 128.  
number to be president of the board, and may appoint a clerk and such other officers, servants, and agents, as they shall deem necessary in the transaction of their business.

SEC. 5. The board shall be the judge of the elections, returns, Ibid, § 9, p. 92, amended as above.  
and qualifications of its own members, and shall determine contested elections.

SEC. 6. The majority of the board shall constitute a quorum Ibid, § 10, p. 92, amended as above.  
to do business, but a smaller number may adjourn from day to

day, and may compel the attendance of absent members, in such manner and under such penalties as the board may prescribe.

Ib., § 11, p. 92,  
amended as  
above.

SEC. 7. The board may determine the rules of its proceedings; punish its members for disorderly behavior, and, with the concurrence of two-thirds of all the members elected, expel a member, but not a second time for the same offense.

Act March 14,  
1859, § 5, p. 128.

SEC. 8. The board shall cause a correct abstract of its proceedings to be made out and published in two of the newspapers of the city. This abstract shall present the substance of all the petitions, memorials and remonstrances, of all motions and propositions, and of all bills, resolutions and orders, so as to exhibit their nature and import; and shall also present a brief and accurate statement of all proceedings in relation thereto. The communications of the mayor and other city officers shall be published in full in the papers publishing the proceedings of the board; but the board shall so order as not to incur the expense of publishing the same document a second time.

Ib., § 5, p. 128

SEC. 9. All ordinances passed by the council shall, within five days after they become laws, be published in two newspapers, published in the city of St. Louis.

Act Mar. 3, '51,  
art. 11, § 14 p. 92,  
as am'd by act  
Mar 14, '59, p 128

SEC. 10. No councilman shall, during the term for which he was elected, be appointed to any office under the city.

Ib., § 15, p. 92,  
amended as  
above.

SEC. 11. All vacancies that shall occur in the board shall be filled by election, in such manner as shall be provided for by ordinance.

Ib., § 16, p. 92,  
amended as  
above.

SEC. 12. Each councilman shall, before entering on the duties of his office, take an oath that he will support the constitution of the United States, and of this state, and the provisions of this charter, and that he will faithfully demean himself in office.

Ib., § 17, p. 92,  
amended as  
above.

SEC. 13. Whenever there shall be a tie in the election of councilman, the judges of elections shall certify the same to the mayor, who shall immediately thereupon issue his proclamation, stating such facts, and ordering a new election.

Ib., § 18, p. 92,  
amended as  
above.

SEC. 14. There shall be two stated sessions of the board of common council every year, and they shall be held on the second Mondays of May and October, at such places as shall be prescribed by ordinance.

Ibid., § 19, p. 92,  
and act Mar. 14,  
'59, § 26, p. 128.

SEC. 15. Upon the passage of all bills appropriating money, or bills imposing taxes, increasing, lessening, or abolishing

licenses, and of bills borrowing money, and on any question, at the desire of two members present, the yeas and nays shall be entered on the journals.

SEC. 16. A concurrent vote of a majority of all the members elect of the common council shall be necessary to pass a tax bill, bills appropriating money for any purpose, and bills in anywise increasing or diminishing the city revenue. Act March 14, 1859, § 25, p. 132, amended by act May 13, '61, § 13, p. 146.

SEC. 17. No bill shall be passed without being read on three separate days. Ib., § 10, p. 129.

SEC. 18. No money shall be expended, nor shall any improvement be ordered, involving an expenditure of money, except by ordinance, the provisions of which shall be specific and definite. Act Mar. 3, 1851, art. iii, § 4, p. 96.

SEC. 19. Every bill which shall have been passed by the council shall, before it becomes a law, be presented to the mayor for his approbation. If he approve, he shall sign it; if not, he shall return it, with his objections, to the board, which objections shall be entered at large on the journal, and the bill be reconsidered. Ib., § 5, p. 96, amended by act Mar. 14, 1859, p. 128.

SEC. 20. If, after such reconsideration, two-thirds of all the members elected to the board shall agree to pass the same, it shall become a law. Ib. § 6, p. 96, and act Mar. 14, 1859, § 7, p. 128.

SEC. 21. In all such cases, the votes of councilmen shall be taken by yeas and nays, and entered on the journals of the board. Ib., § 7, p. 96.

SEC. 22. If any bill shall not be returned by the mayor in five days (Sundays excepted) after it shall have been presented to him for his approbation, the same shall become a law in the same manner as if he had approved and signed it. Ib., § 8, p. 96.

SEC. 23. The style of the ordinances of the city shall be: Act Mar. 14, '59, § 12, p. 129.  
*"Be it ordained by the common council of the city of St. Louis."*

SEC. 24. All ordinances of the city may be proven by the seal of the corporation, and, when printed and published in book form, and purporting to be so printed and published by authority of the corporation, the same shall be received in evidence, in all courts and places, without further proof. Act Mar. 3, 1851, art. iii, § 12, p. 96.



## CHAPTER III.

*Of Legislative Powers.*

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SECTION 1. The Mayor and Common Council shall have power within the city, by ordinance: Act Mar. 3, '51, art.iii, §2, p. 93.

*First*—To levy and collect taxes, not exceeding one per  
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centum, upon all property made taxable by law for State purposes.

*Second*—To borrow money on the credit of the city.

*Third*—To appropriate money and provide for the payment of the debt and expenses of the city.

*Fourth*—To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and to enforce the same within ten miles of the city.

*Fifth*—To establish hospitals and make regulations for the government thereof.

Act Mar. 14, '59,  
§ 21, p. 131.

*Sixth*—To make regulations to secure the general health of the inhabitants, and to prevent, remove, and abate all nuisances, at the expense of the owners or occupants, or the parties upon whose grounds they exist; also, to constitute a board of health, to consist of five members, who shall be elected by the common council, and hold their offices, respectively, for the term of one year; said members to be elected from the members of the common council; said board shall perform such duties and receive such compensation as may be prescribed by ordinance; *Provided, however,* The health officer shall be *ex-officio* a member of said board, but shall receive no additional compensation for his services as such member.

Act Mar. 3, 1851,  
art. iii, § 2, ¶ 7,  
p. 93.

*Seventh*—To provide the city with water, and to erect hydrants, fire-plugs and pumps in the streets, within or beyond the boundaries of the city, for the convenience of the inhabitants of the city and environs.

Act March 14,  
1859, § 22, p. 132.

*Eighth*—To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve, clean, and keep in repair, streets, avenues, lanes and alleys, wharves and public grounds and squares; but the mayor and common council shall not establish nor open a street, lane, avenue, or alley, through the grounds lying and being situated between Ninth street and Eleventh street, and Washington avenue and Green street, without the written assent of the proprietors of the St. Louis University, so long as the building now used as a university remains erected thereon. And they shall have no power to open or cause to be opened, to extend or cause to be extended, Sixth street, or any other street or lane, through the grounds now enclosed

Act Feb'y 11,  
1847, p. 84.

and occupied by the Sisters of the Sacred Heart, and upon which their convent is located, it being designed to protect them in the enjoyment of the garden and pleasure grounds attached to said convent.

*Ninth*—To establish, erect, and keep in repair, bridges, culverts, and sewers, and regulate the use of the same; to establish, alter, and change the channel of water-courses, and to wall them up and cover them over.

Act Mar. 3, '51,  
art. iii, § 2, ¶ 9,  
p. 93.

*Tenth*—To provide for lighting the streets and erecting lamps thereon.

*Eleventh*—To erect market-houses, establish markets and market places, and provide for the government and regulation thereof.

*Twelfth*—To provide for the erection of all needful buildings for the use of the city.

*Thirteenth*—To provide for enclosing, improving and regulating all public grounds belonging to the city.

*Fourteenth*—To improve and preserve the navigation of the Mississippi river within the city.

*Fifteenth*—To erect, repair and regulate public wharves and docks; to regulate the erection and repair of private wharves and to fix the rate of wharfage thereat: *Provided*, the rate of wharfage at private wharves shall be the same as at public wharves.

*Sixteenth*—To regulate the stationing, anchoring and mooring of vessels within the city.

*Seventeenth*—To license, tax, and regulate auctioneers, grocers, merchants, retailers and taverns, and to license, tax, regulate and suppress ordinaries, hawkers, peddlers, brokers, pawnbrokers and money changers.

*Eighteenth*—To license, tax, and regulate hackney carriages, omnibuses, wagons, carts and drays, and fix the rates to be charged for the carriage of persons, and of wagonage, cartage and drayage of property.

*Nineteenth*—To license and regulate porters and fix the rate of portorage.

*Twentieth*—To license, tax, regulate and suppress theatrical and other exhibitions, shows and amusements.

*Twenty-first*—To license, tax, restrain, prohibit and suppress billiard tables, tippling-houses and dram-shops; and to suppress



gaming and gambling houses, and other disorderly houses, and to suppress bawdy houses.

*Twenty-second*—To provide for the prevention and extinguishment of fires, and to organize and establish fire companies; also, to regulate, restrain or prohibit the erection of wooden buildings, and to provide for the removal of the same, when erected contrary to the ordinance of the city; to regulate and prevent the carrying [on] of manufactures dangerous in causing or producing fires, or dangerous or injurious to health; to appoint fire wardens and property guards, with power to remove and keep away from the vicinity of any fire all idle and suspicious persons lurking near the same; and to compel any person or persons present to aid in extinguishing such fire, or in the preservation of property exposed to the danger of the same, and in preventing goods from being purloined thereat, and with such other powers and duties as may be prescribed by ordinance; to compel the owners of houses and other buildings to have scuttles upon the roof of any such houses and buildings, and stairs and ladders leading to the same.

*Twenty-third*—To regulate and order the cleaning of chimneys, and to fix the fees thereof.

*Twenty-fourth*—To regulate the storage of gunpowder, tar, pitch, resin, hemp, cotton, and all other combustible materials, and the use of lights and candles in all stables, shops, and other places; to remove or prevent the construction of any fire-place, hearth, chimney, stove, oven, boiler, kettle, or apparatus, used in any house, building, manufactory, or business, which may be dangerous in causing or promoting fires; to direct the safe construction of deposits for ashes, and, severally, to enter into, or to appoint one or more officers, at reasonable times, to enter into and examine all dwelling houses, lots, yards, enclosures, and buildings of every description, in order to discover whether any of them are in a dangerous state, and to cause such as may be dangerous to be put in safe and secure condition.

Act Mar. 14, '59,  
§ 24, p. 132.

*Twenty-fifth*—To regulate and prescribe the manner, and order the building of partition and of parapet walls, and of partition fences.

Act Mar. 3, 1851,  
art. iii, § 2,  
¶ 27, p. 91.

*Twenty-sixth*—To establish standard weights and measures, and regulate the weights and measures to be used in the city, in all cases not otherwise provided by law.

*Twenty-seventh*—To provide for the inspection and measuring of lumber, and other building materials.

*Twenty-eighth*—To provide for the inspection and weighing of hay and stone coal, the measuring of charcoal, firewood and other fuel to be used in the city.

*Twenty-ninth*—To provide for and regulate the inspection of beef, pork, meal and flour, in barrels, hogsheads, or other vessels; also, to provide for and regulate the inspection and guaging of oils, molasses, syrup, whisky, alcohol, and other spirituous liquors, as well as vinegar and wine in kegs, barrels, half-barrels, tierces, hogsheads and all other vessels: *Provided*, That nothing in this act contained shall be so construed as to authorize the inspection of any article enumerated in this act which is to be shipped beyond the limits of this State, except at the request of the owner or owners of such article. Act Mar. 14, '59, § 20, p. 131.

*Thirtieth*—To regulate the inspection of butter, lard and other provisions; to regulate the vending of meat, poultry, and vegetables; to restrain and punish the forestalling of poultry, butter, eggs, and fruit, and to suppress hucksters. Act Mar. 3, 1851, art. iii, § 2, ¶ 31, p. 95.

*Thirty-first*—To regulate the weight, quality and price of bread to be sold and used in the city.

*Thirty-second*—To regulate the size of bricks made or used in the city.

*Thirty-third*—To provide for the taking an enumeration of the inhabitants of the city.

*Thirty-fourth*—To regulate the election of all the elective city officers, and provide for removing from office any person holding an office created by this act, or by ordinance, not otherwise provided for.

*Thirty-fifth*—To provide for the appointment of all officers, servants, and agents of the corporation, not otherwise provided for.

*Thirty-sixth*—To fix the compensation of the city officers, and regulate the fees of all jurors, witnesses, and others, for services rendered under this act, or any ordinance.

*Thirty-seventh*—To impose fines, forfeitures, and penalties, for the breach of any ordinance, and provide for the recovery and appropriating such fines and forfeitures, and the enforcement of such penalties.

*Thirty-eighth*—To erect a workhouse and house of correction, and provide for the regulation and government thereof.

*Thirty-ninth*—To create the office of port warden, and define the duties thereof; and to regulate and license all ferries within the limits of the city.

*Fortieth*—To levy and collect a poll tax, not exceeding fifty cents, upon every free white male person over twenty-one years of age, who shall have resided six months within the city.

*Forty-first*—To remove all obstructions from the sidewalks and curbstones, and to provide for the construction and repair of all sidewalks, and for the cleaning of the same, and of the gutters, at the expense of the owners of the ground fronting thereon.

*Forty-second*—To prevent and restrain any riot, rout, noise, disturbance or disorderly assemblages in any street, house or place in the city.

*Forty-third*—To prevent and remove all encroachments into and upon all streets, lanes, avenues, and alleys, established by law or ordinance.

*Forty-fourth*—To exercise complete and perfect control over the common, and all of the property belonging to the city, real or personal, whether lying within or beyond the limits of the corporation created by this act, and the same to lease, sell, transfer and dispose of, either absolutely or with limitation, to any person or persons whatsoever; and generally to make such rules, regulations, by-laws, and ordinances, for the purpose of maintaining the peace, good government and order of the city of St. Louis, as the council may deem expedient, not repugnant to the constitution or laws of this State; and also to enforce the observance thereof, by inflicting penalties upon any inhabitant thereof, or other person or persons, for the violation of any ordinance, not exceeding five hundred dollars for any one offense, recoverable with costs, in any action of debt, by and in the name of the city of St. Louis, for the use of the city, before any court having cognizance of the same.

*Forty-fifth*—To drain and keep drained Chouteau's pond, whenever they deem it best so to do for the general health.

*Forty-sixth*—To levy and collect an annual *pro rata* tax on

all fire insurance companies, for the purpose of defraying the expenses of the inspection of buildings and investigating the causes of fires.

*Forty-seventh*—To pass ordinances for preserving order, securing property or persons from violence, danger or destruction, protecting public and private property, and for promoting the great interests and insuring the good government of the city; but no ordinance hereby passed, or that may hereafter be passed, by the common council of St. Louis, shall in any manner conflict or interfere with the powers, or the exercise of the powers, of the board of police commissioners of the city of St. Louis; nor shall the said city, or any officer or agent of the corporation of the said city, or the mayor thereof, in any manner impede, obstruct, hinder or interfere with the said board of police, or any officer, or servant, or agent thereof or thereunder. Act March 27, 1861, § 1, p. 139.

SEC. 2. The common council shall have power, by ordinance, to provide for borrowing money for the following objects: Act March 3, 1851, art. vii, § 14, p. 101.

*First*—To complete the sewer on Biddle street, from Ninth street to the river.

*Second*—To build sewers on Poplar street, from Tenth street to the river; on Thirteenth street, from Washington avenue to Poplar street, and on Seventh street, from Olive street to Biddle street.

*Third*—To purchase ground for, and erect all public buildings necessary for the use of, the corporation, and also to purchase public grounds, and to improve and keep the same in repair; also to purchase ground for and erect a town hall, and other municipal buildings, in any part of the city of St. Louis; and to issue the bonds of the city for the purpose, under the same restrictions as are provided in regard to other loans. Ib., amended by act February 23, 1853, § 3, p. 106.

*Fourth*—To erect a new reservoir, and to extend and complete the waterworks. Act Mar. 3, 1851, art. vii, § 14. ¶ 4, p. 101.

*Fifth*—To complete the works necessary for the improvement of the harbor, and to improve unimproved streets.

*Sixth*—To erect a house of refuge and correction for juvenile offenders: *Provided, however,* That every ordinance for borrowing money shall specify the amount to be borrowed and the object to which it is to be applied, and shall have been passed by a concur- Ib., ¶ 6, amended by act Feb. 23, 1853, § 7, p. 106.



rent vote of two-thirds\* of the members elect voting for the same : *And provided further*, That no such ordinance shall be in force until the same shall have been submitted to the qualified voters of the city for their approval, to be taken at any general election held in this city, or at any special election held for that or any other purpose, if so ordered by the council in the ordinance proposing the loan.

Act March 3  
1831, art. vii,  
§ 14, ¶ 7, p. 101.

*Seventh*—To pay judgments against the city when there is otherwise no money in the treasury to meet the same ; and in case of money borrowed for this purpose, the same may be done, upon a vote of two-thirds of the council, without submitting the same to the qualified voters of the city.

(See also Chapter XX, section 1.)

Ib., art. vii,  
§ 10, p. 100.

SEC. 3. The city of St. Louis shall have power to erect and organize a workhouse in St. Louis county. Any person who shall fail or neglect to pay any fine or costs imposed on him by any ordinance of the city of St. Louis, for any misdemeanor or breach of any ordinance of said city, shall, instead of being committed to the jail of the county, be committed to the workhouse, until such fine and costs be fully paid: *Provided, however*, That no such imprisonment shall exceed the period of six months for any one offense. Every person so committed to the workhouse shall be required to work for the city at such labor as his health and strength will permit, within or without said workhouse, not exceeding ten hours each day ; and for such work and labor, the person so employed, shall be allowed, exclusive of his board, fifty cents per day for each day's work, which amount shall go toward paying such fine and costs.

Act December 5,  
1855, p. 118.

SEC. 4. The cities of St. Louis and Carondelet shall have power to make any contract, agreement or arrangement, by which the city of Carondelet may imprison persons in the workhouse of the city of St. Louis, or in the inclosures or appurtenances thereof, for the violation of any ordinance or by-law of the city

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\*The 25th section of "An act amendatory of and supplementary to the several acts incorporating the city of St. Louis," approved March 14, 1859, which provides that "a concurrent vote of two-thirds of all the members elect" shall be necessary to pass a tax bill, etc., was amended by section 13 of "An act for the relief of the city of St. Louis," approved May 13, 1861, so as to require a majority vote only of all members elect. The above section is not, however, referred to in either of these acts.

of Carondelet; and the person so imprisoned may be required by the city of Carondelet to work or labor in such workhouse or inclosure, or appurtenances or elsewhere, under such rules and regulations as said city of Carondelet may by ordinance prescribe.

SEC. 5. The common council shall have power to make all ordinances which shall be necessary and proper for carrying into effect the powers vested by this act in the corporation, the city government, or any department or officer thereof. Act Mar. 3, 1851, art. iii, § 3. p. 95.

SEC. 6. The common council shall have power, by ordinance, to fix the compensation of all its members and other city officers. Act Feb. 23, '53, § 5, p. 106.

SEC. 7. The city of St. Louis and the city of Carondelet, in the county of St. Louis, are hereby authorized to annex their respective corporations, upon such terms and conditions as regards boundaries, indebtedness, real estate, liabilities, privileges, immunities, and the limitations and the extent thereof, as may be agreed upon by joint ordinance of the municipal council of each of said cities by a majority vote of the members of each council; *Provided*, That within six months after the passage of such joint ordinance, the same shall be submitted to the legal voters of each of said cities, and be approved by a majority vote of such voters, respectively; in which event such joint ordinance shall be of full force and effect as if the same had been passed as an act of the General Assembly of the State of Missouri. Act Mar. 28, '61, § 1, p. 147.

## CHAPTER IV.

### *Of the Municipal Officers, their Power and Duties.*

|                                            |        |                                            |       |
|--------------------------------------------|--------|--------------------------------------------|-------|
| <i>Assessor</i> , office of created.....   | 2 10   | <i>Common council</i> , mayor to communi-  |       |
| duties of.....                             | 10     | cate with.....                             | 7     |
| <i>Auditor</i> , to be elected.....        | 7, 11  | mayor may call extra ses-                  |       |
| term of office of.....                     | 7      | sions of.....                              | 8     |
| office of created.....                     | 10     | to proceed against officers in-            |       |
| duties of.....                             | 10, 13 | terested in contracts.....                 | 20    |
| <i>Chief officer</i> of city, who to be... | 1      | <i>Comptroller</i> , to be elected.....    | 7, 11 |
| <i>City attorney</i> , to be elected.....  | 7, 11  | term of office of.....                     | 7     |
| term of office of.....                     | 7      | office of created.....                     | 10    |
| office of created.....                     | 10     | duties of.....                             | 10    |
| duties of.....                             | 10     | <i>Contracts</i> , officers not to be in-  |       |
| <i>Common council</i> , may remove         |        | terested in.....                           | 20    |
| mayor from office.....                     | 1      | not to be made unless appro-               |       |
| when to decide mayor's elec-               |        | riated for.....                            | 22    |
| tion.....                                  | 3, 4   | <i>Counselor</i> , city, office of created | 10    |
| president of to act as mayor,              |        | duties of.....                             | 10    |
| when.....                                  | 6      | <i>Engineer</i> , city, office of created  | 10    |

|                                            |        |                                             |        |
|--------------------------------------------|--------|---------------------------------------------|--------|
| <i>Engineer, city, duties of</i> .....     | 10, 16 | <i>Mayor, to reside in city</i> .....       | 17     |
| to be appointed by mayor.....              | 23     | effect on, of removing from                 |        |
| term of office of.....                     | 23     | city.....                                   | 17     |
| <i>Fund commissioner, office of</i>        |        | to report officers interested               |        |
| created.....                               | 10     | in contracts.....                           | 20     |
| duties of.....                             | 10     | <i>Officers, to reside in city</i> .....    | 17     |
| <i>Gas commissioner, office of created</i> | 10     | not to be interested in con-                |        |
| duties of.....                             | 10     | tracts.....                                 | 20     |
| <i>Harbor master, to be elected</i> .....  | 7, 11  | not to hold two appoint-                    |        |
| term of office of.....                     | 7      | ments.....                                  | 20     |
| office of created.....                     | 10     | embezzling moneys, penalty,                 | 21     |
| duties of.....                             | 10     | to make no contracts unless                 |        |
| <i>Land commissioner, office of</i>        |        | appropriated for.....                       | 22     |
| created.....                               | 10     | <i>President of common council, when</i>    |        |
| duties of.....                             | 10     | to act as mayor.....                        | 6      |
| <i>Marshal, city, office of created</i>    | 10     | <i>Qualifications of mayor</i> .....        | 2      |
| duties of.....                             | 10, 15 | of recorder.....                            | 18     |
| <i>Mayor, to be chief officer of city</i>  | 1      | <i>Recorder, to be elected</i> .....        | 7, 11  |
| to be elected.....                         | 1      | qualifications of.....                      | 18     |
| term of office of.....                     | 1      | jurisdiction of.....                        | 18     |
| may be removed from office...              | 1      | duties of.....                              | 18, 19 |
| qualifications of.....                     | 4      | to report to mayor.....                     | 19     |
| tie in election of, how decided            | 3      | term of office of.....                      | 7      |
| contested election of, how                 |        | <i>Register, city, to be elected</i> .....  | 7, 11  |
| decided.....                               | 4      | term of office of.....                      | 7      |
| vacancy in office of, how filled           | 5      | office of created.....                      | 10     |
| tie in office of, how filled.....          | 5      | duties of.....                              | 10, 12 |
| president of common coun-                  |        | <i>Superintendent of water works,</i>       |        |
| cil to act as, when.....                   | 6      | office created.....                         | 10     |
| to appoint certain officers.....           | 7, 10  | duties of.....                              | 10     |
| may remove certain officers...             | 7      | <i>Superintendent of workhouse, of-</i>     |        |
| to see laws and ordinances                 |        | fice created ...                            | 10     |
| observed.....                              | 7      | duties of.....                              | 10     |
| may remit fines, etc.....                  | 7      | <i>Treasurer, city, to be elected</i> ..... | 7, 11  |
| to fill vacancies.....                     | 7      | term of office of.....                      | 7, 23  |
| to communicate with com-                   |        | office of created.....                      | 10     |
| mon council.....                           | 7      | duties of.....                              | 10, 14 |
| may call special sessions of               |        | <i>Vacancies, mayor may fill</i> .....      | 7      |
| council.....                               | 8      | <i>Vacancy in office of mayor, how</i>      |        |
| to state cause of special ses-             |        | filled .....                                | 5      |
| sions.....                                 | 9      |                                             |        |

Act Mar. 3, 1851,  
art. iv, § 1. p. 96,  
as amended by  
act Mar. 14 '59,  
§ 6, p. 128

SECTION 1. The chief executive officer of the city shall be the mayor, who shall be elected by the qualified voters of the city, and who shall hold his office for the term of two years, and until his successor is duly elected and qualified; and may, for misdemeanor in office, be removed from office by the board of common council, if three-fourths of all the members elected to said board shall vote for such removal.

Ib. § 2 p. 96. as  
amended. p. 128.

SEC. 2. No person shall be mayor who, at the time of his election, is not possessed of the qualifications required for a councilman, or who holds any lucrative office under the authority of the United States.

Ib. § 3, p. 96 as  
amended. p. 128.

SEC. 3. When two or more persons shall have an equal number of votes for the office of mayor, the board of common council shall decide the election.

SEC. 4. Whenever an election for mayor shall be contested, the council shall determine the same by vote. Ib. § 4, p. 97, as amended, p. 122

SEC. 5. Whenever any vacancy shall happen in the office of mayor, it shall be filled by election, in such manner as shall be provided for by ordinance. Ib. § 5, p. 97.

SEC. 6. The president of the board of common council shall exercise the duties and receive the compensation of mayor, whenever and so long as, from any cause, said office of mayor shall be vacant, or the mayor be absent from the city. Ib. Art. iii. § 13, p. 96.

SEC. 7. The mayor shall, subject to the approval of the board of common council, appoint every officer of the city, except the comptroller, city recorder, auditor, treasurer, register, harbor master, and city attorney, who shall be elected in the same manner as heretofore, whose term of office shall be the same as that of the mayor; and the mayor shall have power to remove any such officer by him appointed: *Provided*, That three-fourths of the members elect to such board shall vote for such removal. Act Mar. 14, '59, § 8, p. 123

The mayor shall take care that the laws of the State and the ordinances of the city are duly enforced, respected and observed within the city; he may remit fines, forfeitures and penalties accruing from, or imposed for, the violation of any ordinance of the city; he may fill all vacancies which may occur in any elective office, other than that of councilman, until the same be filled by election; and in any other office, until the end of the session of the board of common council which shall next happen after the vacancy shall have occurred; he shall, from time to time, give to the common council information relative to the state of the city, and shall recommend to their consideration such measures as he shall deem expedient for the advantage of the city. Act Mar. 3, 1851, art. iv, § 7, p. 97, as amended by act March 14, 1859.

SEC. 8. The mayor may call special sessions of the board of common council, by proclamation. Act Mar. 3, 1851, art. iv, § 8, p. 97, as amended by act Mar 14, '59.

SEC. 9. Whenever a special session of the common council shall have been called by the mayor, he shall state to them, when assembled, the cause for which they have been convened. Ib. § 9, as amended by act March 14, 1859.

SEC. 10. There shall be a city register, city auditor, city treasurer, city marshal, city attorney, city engineer, city comptroller, harbor master, city counselor, land commissioner, gas commissioner, superintendent of workhouse, superintendent of waterworks, assessor, and fund commissioner, who, in addition to Act Mar. 3, 1851, art. iv, § 10, p. 97. Act Feb 23, '53. § 4, p. 106; act Dec. 13, 1855, § 1, p. 121; act Jan 16, 1860, § 5, p. 136; act March 14, 1859, § 2, p.



125; act Dec. 11, 1855, p. 120; act Jan. 17, 1863, § 2, p. 147; act Mar. 5, 1855, § 1, p. 109.

the duties prescribed by this act, shall perform such other duties as may be prescribed by ordinance; there shall also be such other officers, servants and agents of the corporation, as may be provided by ordinance, to be appointed by the mayor, by and with the advice and consent of the board of common council, and to perform such duties as may be prescribed by ordinance.

Act Mar. 3, '51, art. iv, § 11, p. 97, as amended by act Mar. 14, '59, p. 128; also, act Feb. 23, 1853, § 4, p. 106.

SEC. 11. The city register, city auditor, city attorney, city comptroller, city recorder, city treasurer, and harbor master, shall be elected by the qualified voters for the office of mayor.

Ibid, § 12.

SEC. 12. It shall be the duty of the city register to keep a record of all the official acts of the mayor, and, when necessary, to attest them. He shall keep and preserve in his office the common seal of the city, and all records, public papers and documents of the city, not properly belonging to any other office.

Ibid, § 13.

SEC. 13. It shall be the duty of the city auditor to prescribe the mode of keeping, stating and rendering all accounts, unless otherwise provided by ordinance, between the city and any person or body corporate.

Ibid, § 14.

SEC. 14. It shall be the duty of the city treasurer to receive and keep the money of the city, and to pay out the same on warrants drawn by the auditor.

Act Mar. 3, '51, art. iv, § 15, as amended by act Mar. 14, 1859, p. 97.

SEC. 15. The city marshal shall, within the city, in matters of a criminal nature, arising under any law of the State, possess the same powers, perform the same duties, and receive the same compensation as either constable of St. Louis township; he shall execute and return all processes issued by the mayor, recorder, any councilman or justice of the peace, under this act or any ordinance of the city.

Ibid, § 16.

SEC. 16. It shall be the duty of the city engineer to superintend the construction of all public works ordered by the city; to make out plans and estimates thereof, and to contract for the execution of the same; and to perform all surveying and engineering ordered by the city: *Provided, however,* Such plans and contracts shall be first approved by the board of common council, or they shall not be valid.

Ibid, § 17, p. 98.

SEC. 17. The mayor, and all other officers of the corporation, shall reside within the limits of the city during their continuance in office; and if the mayor of the corporation shall cease to

reside within the limits of the same, his office shall be thereby vacated.

SEC. 18. The recorder shall possess the same qualifications as Ibid, § 18. the mayor, under the provisions of this act, and may be removed from office in the same manner as the mayor; he shall have the same jurisdiction as justices of the peace, within the limits of the city, in all State cases; he shall have a jurisdiction over all cases arising under any ordinance of said city, subject, however, to an appeal, in all cases, to the St. Louis criminal court; and every such appeal shall be taken and granted in the same manner as appeals are taken from and granted by justices of the peace to the criminal court, under the general law of the State. He shall charge, in all cases, the same fees which are now allowed to justices of the peace for the same kind of services, which shall be charged and collected as other costs, and, when collected, paid into the city treasury.

SEC. 19. The recorder shall make a semi-annual report of all Ibid, § 19. fees charged for his services, which report shall be verified by affidavit and returned to the mayor, who shall submit the same to the first meeting of the common council thereafter.

SEC. 20. No officer of the city shall be interested in any contract under the city, directly or indirectly, in any manner Act March 14, 1859, § 27, p. 132. whatever; and any appointed officer becoming so interested, shall be dismissed from office immediately by the mayor; and on the mayor's being satisfied that any elective officer is so interested, he shall immediately suspend said officer, and report the facts to the board of common council; whereupon the board shall, as soon as practicable, meet to hear and determine the same, and if, by a two-thirds vote, he be found so interested, he shall be immediately dismissed from such office. No officer shall hold two appointments under the city government.

SEC. 21. Any officer or employee of the city who shall appropriate to his own use, or to the use of any other person, any money belonging to the city, or the interest thereon accruing, when the same is deposited in a bank or other institution, or with any banker, or other person, shall be deemed guilty of embezzlement, and be punished by imprisonment in the county jail for a term not less than two years. Ibid, § 10, p. 129.

Act May 13, '61,  
§ 11, p. 145.

SEC. 22. No officer of said city, authorized to make contracts on behalf of the city for work, or materials, shall make any such contract which shall require the expenditure of any greater sum than the amount actually appropriated by existing ordinance for such work or materials.

Act Mar. 3, '61,  
art. iv, § 11, p.  
97, as amended  
by act Feb. 23,  
1853, § 4, p. 106,  
and also by act  
Dec. 11, 1855, p.  
120.

SEC. 23. The city engineer shall be appointed by the mayor, by and with the consent of the board of common council; and he and the city treasurer shall hold their office for one year, and until their successors are duly qualified.

## CHAPTER V.

### *Of Elections.*

|                                                             |   |                                                               |   |
|-------------------------------------------------------------|---|---------------------------------------------------------------|---|
| <i>Common council to appoint judges of election</i> .....   | 3 | <i>Judges of election, when to open and close polls</i> ..... | 3 |
| <i>Election for municipal officers, when held</i> .....     | 1 | <i>how to ascertain result of elections</i> .....             | 3 |
| <i>judges of, how appointed</i> .....                       | 3 | <i>Officers, when elected</i> .....                           | 1 |
| <i>to take oath</i> .....                                   | 3 | <i>Polls, when opened and closed</i> ...                      | 3 |
| <i>Elections, result of, how ascertained</i> .....          | 3 | <i>how many to be opened</i> .....                            | 4 |
| <i>to be by ballot</i> .....                                | 2 | <i>not to be closed during day</i> ...                        | 7 |
| <i>where not to be held</i> .....                           | 5 | <i>Qualification of voters</i> .....                          | 6 |
| <i>how long to continue</i> .....                           | 7 | <i>Special elections, how provided for</i> .....              | 8 |
| <i>special, how provided for</i> .....                      | 8 | <i>Voters to vote by ballot</i> .....                         | 2 |
| <i>proceedings on tie in</i> .....                          | 9 | <i>in wards in which they reside</i> .....                    | 2 |
| <i>Grogshops, elections not to be held in</i> .....         | 5 | <i>how many may be present at counting</i> .....              | 3 |
| <i>Judges of election, how appointed to take oath</i> ..... | 3 | <i>qualifications of</i> .....                                | 6 |

Act Mar. 3, '61,  
art. v, § 1, p. 98,  
as amended by  
act Mar. 14, '59,  
§ 8, p. 123.

SECTION 1. A general election for all the officers of the corporation, required to be elected biennially by this act, shall be holden on the first Monday of April, in the year 1859, and every two years thereafter.

*Ibid*, § 2.

SEC. 2. At all elections for city officers, the voters shall vote by ballot, and only in the wards wherein they respectively reside.

*Ibid*, § 3.

SEC. 3. Judges of election shall be appointed by the board of common council; they shall take an oath to faithfully and impartially discharge their duties; they shall open the polls at sunrise and close them at sunset, when they shall forthwith proceed to ascertain and certify the result of the election, in presence of so many of the candidates or other persons of all parties, indiscriminately, as can be conveniently accommodated in the room selected for the purpose: *Provided*, That there shall never be

less than ten voters present at any count, if so many desire to be present.

SEC. 4. Hereafter, not less than two polls shall be opened in each of the wards in said city at elections. Act Dec. 5, 1855, § 12, p. 118.

SEC. 5. No election shall be held in a grogshop, or other place where intoxicating liquors are vended. Act Mar. 3, '51, art. v, § 4, p. 98.

SEC. 6. All persons qualified as electors under the tenth section of the third article of the constitution of the State of Missouri, who shall have resided six months within the city, and one month within the ward where they offer to vote, next preceding the election, shall be deemed qualified voters at all elections for city officers. Ibid, § 5.

SEC. 7. Elections for city officers shall continue but one day, and during that day the polls shall not be closed under any pretense whatsoever. Ibid, § 6.

SEC. 8. Special elections to fill vacancies shall be held under such regulations as may be provided for by law or ordinance. Ibid, § 7.

SEC. 9. Whenever there shall be a tie in the election of city officers, the judges of election shall certify the same to the mayor, who shall issue his proclamation immediately thereupon, stating such fact, and ordering a new election. Act Feb. 15, '4 1 art iv, §17, p. 6 7

## CHAPTER VI.

### *Of Opening and Improving Streets.*

|                                             |        |                                           |                    |
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| cost of paving and repair-                  |        | when title in dispute.....                | 6                  |
| ing, how paid.....                          | 10, 17 | when to cause streets, etc.,              |                    |
| engineer to keep in repair.....             | 11     | to be repaired.....                       | 12                 |
| when council to order grad-                 |        | to order certain work on                  |                    |
| ing and paving of.....                      | 13     | petition.....                             | 12, 13, 14         |
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| <i>Change of grade of street</i> , city     |        | <i>Damages</i> for land in opening        |                    |
| liable for.....                             | 16     | streets, how ascertained.....             | 3, 4               |
| <i>Common council</i> not to order          |        | payment of, how secured.....              | 4                  |
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| may cause alleys to be clean-               |        | for opening street, etc.....              | 7                  |
| ed and paved.....                           | 1      | <i>Engineer</i> , city, too keep side-    |                    |
| to appropriate benefits as-                 |        | walks and alleys in repair...             | 11                 |
| essed.....                                  | 6      | <i>Grade of streets</i> , city liable for |                    |
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| <i>Judgments against city on opening streets, nature of</i> .....     | 9                  | <i>Public squares, proceedings to open</i> .....                                | 2—8        |
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| <i>Land commissioner, duty of in opening streets, etc.</i> .....      | 2—6                | <i>how to keep in repair</i> .....                                              | 11         |
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| <i>Owners of land to be compensated for property taken</i> .....      | 2, 4               |                                                                                 |            |
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Act Mar. 14, '59,  
§ 15, p. 130.

SECTION 1. It shall not be lawful for the board of common council to grade, pave, macadamize, clean, water, or light any street, lane, avenue, or wharf, not established and opened according to law and ordinance. It shall, nevertheless, be lawful for the common council to order the owner or owners of ground fronting on any private alley to keep the same clean, and, if necessary thereto, to direct him or them to pave the same.

Act Jan. 16, '60,  
§ 5, p. 136.

SEC. 2. Whenever the council shall provide by ordinance for establishing, opening, widening or altering any street, avenue, alley, wharf, or public square, and it becomes necessary for that purpose to take private property, and no agreement can be made with the owner or owners thereof, just compensation shall be made therefor to the person or persons whose property is so taken, which the land commissioner shall cause to be ascertained by a jury of six disinterested freeholders of the city, the particulars of which proceeding shall be prescribed by ordinance.

Ibid, § 6, p. 137.

SEC. 3. The land commissioner shall appoint a day of impaneling a jury and ascertaining the damages, at least six days' notice of which shall be given to the person whose property is proposed to be taken; and if any of the owners thereof are unknown or cannot be found by the marshal of the city, or are absent from the city (and the return of the marshal shall be conclusive as to the facts therein stated), publication thereof

shall be made in at least two of the city daily newspapers, for at least four weeks before the day appointed, notifying all owners and others interested in the property proposed to be taken, that, on the day therein named, the land commissioner will cause the property therein described to be condemned for public use as an alley, street, avenue, wharf, or square, as the case may be, and damages to be assessed therefor as herein provided; and such notice, by publication as aforesaid, shall be binding upon all persons whatsoever having any interest in any property that may be charged by the verdict of the jury, and with the payment of any portion of the damages in consideration of benefits to be derived by them.

SEC. 4. It shall be the duty of the jury, first, to ascertain the actual value of the land proposed to be taken for the opening, widening, or altering of an alley, street, avenue, wharf, or public square, without reference to the proposed improvement; then, for the payment of such sum, to assess against the city the amount of benefit to the public generally, and the balance against the owner or owners of property benefited by the opening of such alley, street, avenue, wharf, or square, according to the value of the property so assessed, and in the proportion that such property may be respectively benefited by the proposed improvement; and the sum or sums to be paid by the owner or owners of property respectively benefited by the improvement, as ascertained by the jury, shall be a lien upon the property so charged, and shall be collected as provided by ordinance. Ibid, § 7, p. 137.

SEC. 5. The land commissioner shall have power, for good cause shown, within ten days after any inquest shall have been returned to him, to set the same aside, and cause a new inquest to be made. Ibid, § 8, p. 137.

SEC. 6. If the verdict of the jury be not set aside by the land commissioner, it shall be his duty, within one month, to report the same to the council, and, if confirmed by the council, an appropriation shall be made to pay such sums as shall be assessed against the city, and it shall be lawful for the city to take possession of the ground so condemned for public use; but if not confirmed by the council within two months after being reported to them by the land commissioner, all the proceedings shall be void. If the title to any property proposed to be condemned be Ibid, § 9, p. 137.

in controversy, nothing shall be paid therefor until the right to the money ascertained by the verdict of the jury is determined by a court of competent jurisdiction, in a suit between the parties respectively claiming the same; none of the costs of which litigation shall be borne by the city unless the city be one of the claimants; and during such controversy the money shall remain in the city treasury.

*Ibid.*, § 10, p. 137.

SEC. 7. When the owners of the major part of the front of all the property on the street, avenue, alley or wharf proposed to be opened, widened or established, shall petition the council therefor, the city council, if the improvement proposed by the petitioners be deemed expedient, shall provide by ordinance for the opening, widening or establishing the same; and the proceedings for the condemnation of property so proposed to be taken shall in other respects be conducted as is prescribed in this article, when it is sought to condemn property for public use, without the petition of the property holders, but no damage shall be awarded to any owners so petitioning.

*Ibid.*, § 11, p. 137.

SEC. 8. Whenever one or more of the owners of property which it may be necessary to take for public use in the opening of any street, avenue, alley, or wharf, shall propose to relinquish such property without claim of damages, on condition of exemption from payment of benefits for further opening of such improvement, or upon other conditions, the land commissioner shall be authorized to compromise or agree with such persons, and to remit, abate and exempt them from the payment of damages, in consideration of the payment of benefits wholly or partly, as equity may seem to require, and proceed to condemn such other property as may not be relinquished for the purpose, and to assess the damages and benefits thereof to and upon such other persons as may be damaged or benefited by such improvement, and report his proceedings to the council, anything in this act contained to the contrary notwithstanding.

*Ibid.*, § 12, p. 138.

SEC. 9. Judgments against the city on account of damages to private property, in cases of opening streets, shall not be considered as ordinary judgments, but such judgment shall be held in abeyance, and the city shall not take possession of the ground condemned until such judgments shall be confirmed and appropriations made to pay the same out of the general revenue.

SEC. 10. The cost of grading, paving, repairing, and repaving Act Mar. 5, '55, § 1, p. 107. sidewalks, curbing and gutters alongside included, and of repaving the entire carriage-way, gutter included, of any street or any portion of any street; also, the cost of grading, paving, or repairing the pavements of any alley in the city of St. Louis, shall be borne by the owners of the adjoining property.

SEC. 11. The city engineer is hereby empowered, under the Ibid, § 2, p. 107 control of the common council, to repair and keep in repair all streets and alleys in the city of St. Louis, and to that end cause all the work to be done mentioned in the foregoing section.

SEC. 12. In those cases where the common council shall deem Ibid, § 3, p. 108. it necessary, and also in all cases where the owners of the major part of the lots or lands fronting on any paved street, or portion of a paved street, or any paved alley or portion of a paved alley, may petition for repaving the same, the common council shall cause such repaving to be done in manner prescribed by ordinance.

SEC. 13. In those cases where the city council shall deem it Ibid, § 4, p. 108. necessary, and also in all cases where the owners of the major part of the lands or lots fronting on any alley or portion of an alley shall petition for the grading and paving of the same, the city council may cause such grading and paving to be done, in manner to be prescribed by ordinance.

SEC. 14. But the common council of the city of St. Louis shall Act May 13, '61, § 15, p. 146. have no power to pave, macadamize, curb, or gutter, any street or alley, at the expense of property owners whose property fronts on such street or alley, unless a majority in interest on such street or alley shall consent thereto in writing, or unless the same shall be declared a nuisance by a jury of six disinterested citizens of said city: *Provided*, That the provisions of this section shall not apply to any street or alley where two or more blocks are owned by one person, or one estate; but the above provisions of the law shall apply in all such cases.

SEC. 15. The mayor and common council shall have power, by Act Mar. 14 '59, § 19, p. 131. ordinance, to levy and collect a special tax on the owners or occupiers of the lots on any street, lane, or avenue, or part of any street, lane, or avenue, according to the respective fronts owned or occupied by them, for the purpose of paving or grading the sidewalks on such street, lane, or avenue: *Provided*, The said



special tax shall not exceed the cost of such grading, or paving, according to the respective fronts aforesaid: *and provided further*, That no such improvement shall be ordered until the street in front of such improvement shall have first been planked, paved, or macadamized, in the center thereof.

Ibid, §23, p. 132.

SEC. 16. In the event of any alteration of an established grade of street or alley, the city shall be liable for all damages resulting from such change of grade, the damages to be assessed by a jury impaneled for that purpose, by any court of proper jurisdiction.

Act Feb, 15, '64,  
§ 2. p. 162

SEC. 17. The cost of paving, macadamizing, or otherwise improving, constructing, reconstructing, and repairing all streets, alleys, and other highways in the city of St. Louis, which, under existing laws, is chargeable to the property adjoining or in the vicinity of such work, shall be assessed by the city engineer as a special tax against such property, in such manner as the common council may by ordinance direct, and shall be collected as other taxes are collected, according to the provisions of an act of the General Assembly of the State of Missouri, entitled "An act in relation to the assessment and collection of taxes in the city of St. Louis, levied for the purposes of the government thereof," approved January 17, 1863.

CHAPTER VII.

*Of the New and Extended New Limits*

|                                                                                                                   |        |    |                                                                            |         |    |
|-------------------------------------------------------------------------------------------------------------------|--------|----|----------------------------------------------------------------------------|---------|----|
| <i>Assessors</i> , to distinguish revenue from new limits.....                                                    | 2      | 1  | <i>Extended new limits</i> , what district to compose.....                 | 2       | 8  |
| <i>Collectors</i> , to distinguish revenue from new limits .....                                                  | 1      |    | taxes in, not to exceed what... plan to be established for streets in..... | 9       | 10 |
| <i>Committee on improvements</i> in new limits (see new limit committee .....                                     | —      |    | streets in to conform to plan... when streets in, to be improved .....     | 10      | 12 |
| <i>Common council</i> , not to appropriate new limit fund, when to provide for expenditure of new limit fund..... | 3      | 6  | costs of improving streets in, how paid.....                               | 11      | 14 |
| may reject report of new limit committee.....                                                                     | 6      | 6  | harbor tax in.....                                                         | 13      | 15 |
| to establish plan for streets in extended new limits.....                                                         | 10     |    | police force in.....                                                       | 14      |    |
| to order certain work on petition.....                                                                            | 11, 12 |    | <i>Grading in extended new limits</i> , when to be ordered.....            | 11      |    |
| <i>Cost of improving streets</i> in extended new limits, how paid .....                                           | 11     | 11 | cost of, how paid.....                                                     | 11      |    |
| <i>Engineer</i> (city) to direct work in new limits.....                                                          | 6      |    | <i>Harbor tax in extended new limits</i> how expended.....                 | 13      | 14 |
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|                                                                                       |               |    |                                                                 |                       |
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| <i>Macadamizing in extended new limits, when ordered.....</i>                         | $\frac{1}{2}$ | 11 | <i>New limits, revenue from, provisions concerning.....</i>     | $\frac{1}{2}$ 1, 2, 3 |
| <i>cost of, how paid.....</i>                                                         |               | 11 | <i>Paving in extended new limits, when to be ordered.....</i>   | 11                    |
| <i>New limit committee, how composed.....</i>                                         |               | 4  | <i>cost of, how applied.....</i>                                | 11                    |
| <i>duties of.....</i>                                                                 |               | 4  | <i>Police force for extended new limits.....</i>                | 15                    |
| <i>to report to common council report of to be published.....</i>                     |               | 4  | <i>Revenue from new limits, how applied.....</i>                | 1, 2, 3               |
| <i>of two adjoining wards, how to act.....</i>                                        |               | 5  | <i>Streets, what, to be improved out of new limit fund.....</i> | 3                     |
| <i>common council may reject report of.....</i>                                       |               | 6  | <i>in extended new limits, to conform to general plan.....</i>  | 10                    |
| <i>New limit fund, how determined.....</i>                                            | 1, 2          | 3  | <i>how improved.....</i>                                        | 11                    |
| <i>not to be applied to repairing streets.....</i>                                    |               | 3  | <i>Taxes in extended new limits, maximum of.....</i>            | 9                     |
| <i>when not to be appropriated, common council to provide for expenditure of.....</i> |               | 6  | <i>for harbor, to be paid in extended new limits.....</i>       | 13                    |
| <i>New limit law, how long to remain in force.....</i>                                |               | 7  | <i>for harbor, how applied.....</i>                             | 14                    |

SECTION 1. In making the assessment of the revenue of the city of St. Louis, the assessors shall so arrange and make out their books as to distinguish the revenue arising from taxes on property in the several wards, situated within the new limits of the city (which were added to the city by an act approved February fifteenth, eighteen hundred and forty-one, entitled "An act to amend an act to incorporate the city of St. Louis, approved on the eighth day of February, eighteen hundred and thirty-nine"), from the revenue accruing from taxes on property situated in the old limits of the city, as they existed before the passage of the above recited act, so as to show how much revenue is derived from taxes on property situated within said new limits, added to the said city of St. Louis by the above recited act; and, in like manner, the collectors of revenue shall keep their accounts so as to show the amount of revenue derived from tax on licenses granted within said new limits, and outside of the old limits, of the respective wards.

SEC. 2. When the whole city revenue of each year shall have been collected, there shall be paid, out of the net aggregate amount thereof derived from taxes and licenses of every kind:

*First*—All expenses of the city hospital, except for additions or enlargement of the buildings.

*Second*—All quarantine or extra expenses, except for buildings, that may have been incurred within the year, on account of the danger or prevalence of epidemic disease.

*Third*—All interest that may accrue upon money borrowed

Act Mar. 1, '51,  
§ 1, p. 89.

Ibid, § 2.

for the construction of public sewers within the city, which have been, or may be, constructed at the expense of the city; and then one-half the remaining revenue derived from taxes and licenses as aforesaid, within said new limits, and outside of old limits, shall be set apart and appropriated to the making, and grading, and improving the streets within said new limits, and outside of said old limits, in each of the several wards of said city, in proportion to the amount of such revenue derived from each, respectively; and no part of the revenue thus set apart shall be used for other purposes than as herein specified.

Act Feb. 23, '63,  
§ 8, p. 106.

Act May 13, '61,  
§ 12, p. 146.

SEC. 3. No part of the new limits fund shall be appropriated for repairing streets. The common council of said city shall not pass any ordinance for the improvement of streets in the new limits of said city, or for other improvements in said new limits, to be paid for out of the new limit fund, when the amount required for such improvement exceeds the amount actually in the treasury of said city to the credit of said fund.

Act Mar. 1, '51,  
§ 3, p. 89, as  
amended by act  
March 14, 1859,  
§ 3, p. 128.

SEC. 4. The councilmen from each ward, for the time being, shall constitute a standing committee on improvements for the limits of said ward, and shall determine upon and report to the common council what streets within the new limits they recommend the improvement of, and the amount to be expended in said improvement; which report shall be in writing, signed by said committee, and shall be published daily, for at least four days, in two papers publishing the proceedings of the common council; and if the council then concur in the report, they shall pass an ordinance providing for such improvement, as in other cases.

Ibid. § 4.

SEC. 5. Whenever a street shall form a division line between that part of any two wards within such new limits, the improvement committees of the two wards may act jointly, and recommend that an equal amount from the new limit fund of each ward be appropriated to improve such street.

Ibid. § 5.

SEC. 6. It shall be the duty of the common council to pass such rules, make such orders, and establish such regulations, as will cause the money thus set apart for the improvement of the new limits of the several wards to be faithfully, judiciously, and economically applied, in such manner as will best promote the interests of said new limits, and provide for the manner in which the fund thus set apart shall be paid out and disbursed; and all

such improvements shall be contracted for, and constructed under the superintendence of the city engineer, and be in all respects managed as other city improvements: *Provided, however,* That no street shall be improved out of the new limit fund until recommended by the improvement committee; but the council may reject the report of such committee.

SEC. 7. The above provisions of this act are hereby continued in force until the twelfth day of April, eighteen hundred and sixty-six: *Provided, however,* That if all the streets in the new limits of any ward shall hereafter be improved before the expiration of said period, then and in that case the provisions of this act shall cease to apply to said ward, and all the revenue collected in said ward shall remain in the general fund of the city. Act Jan 15 '60, § 3, p. 136.

SEC. 8. The district of country added to the city of St. Louis by an act entitled "An act to extend the limits of the city of St. Louis, and for other purposes," approved December 5, 1855, shall be designated the "extended new limits." Act Dec. 5, '55, § 19 p. 118.

SEC. 9. The taxes to be levied by the mayor and city council upon the taxable property in said extended new limits, during the period of ten years from the passage of this act, shall not exceed one-third of one per centum per annum on the assessed value thereof; saving, however, the harbor and other taxes hereinafter provided for. Ibid § 4, p. 116.

SEC. 10. The mayor and city council of the city of St. Louis shall, without unnecessary delay, establish by ordinance a general plan for the location and graduation of streets within said extended new limits; and in all subdivisions of property hereafter to be made by the respective owners, they shall conform their streets to said general plan, unless it be otherwise permitted by ordinance. Ibid § 5 p. 117.

SEC. 11. In cases where the mayor and city council shall deem it necessary,\* and also in all cases where the owners of the major part of the land, or lots, fronting on any street, or portion of street, in the extended new limits, shall petition for the grading, paving, or macadamizing thereof, the city council may cause grading, paving or macadamizing to be done in manner as prescribed by ordinance. The cost of all rough grading shall be Ibid, § 6.

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\* See Chapter VI, section 14.



paid out of the general city treasury; the cost of all paving, whether of the carriage-way, gutters, curbing, sidewalks or crosswalks, done under the provisions of this section, shall be apportioned and charged on the adjoining lots in the proportion of their front, and be paid by the owners of such lots, respectively, and they shall be bound to pay for the same as though the liabilities were contracted by themselves, and may be sued therefor accordingly; and the lots or lands chargeable therewith shall also be held by a lien for the respective apportioned share of such cost until the same be fully paid. Such lien may be enforced by special tax, levy and sale, or by proceedings at law, all according to such proceedings as may be prescribed by law.

Act. Decem. 12,  
1863 § 1, p. 155.

SEC. 12. The board of common council of the city of St. Louis shall cause streets, or portions of streets, in the extended new limits of said city, to be improved, whenever a majority of the property holders resident on a street, or portion of a street, shall petition therefor.

Act December 5,  
1855. § 7, p. 117.

SEC. 13. In addition to the taxation heretofore authorized, the mayor and city council may levy a tax, not exceeding one-twentieth of one per centum per annum, upon all taxable property in the territory hereby added to the city of St. Louis, for the preservation and continuation of the improvements in the harbor of said city.

Ibid. § 8.

SEC. 14. The wharfage collected within the extended new limits shall be expended for the improvement of the wharf, in the wards, respectively, where collected, and separate accounts shall be kept for that purpose.

Act Decem. 12,  
1863 § 4, p. 156.

SEC. 15. In addition to the police force authorized by "An act authorizing the board of police commissioners, and authorizing the appointment of a police force for the city of St. Louis," approved March 27, 1861, there shall be appointed, enrolled and employed, an additional force of not more than thirty men and one captain, and ordinary policemen, as is now by law provided; which additional force shall be used and employed solely in the extended new limits of the city of St. Louis, at such points thereof and in such proportions as the several localities require.

CHAPTER VIII.

*Of Sewers.*

|                                           |   |                                       |   |
|-------------------------------------------|---|---------------------------------------|---|
| <i>Sewer districts, how prescribed...</i> | 1 | <i>Special public sewer tax, com-</i> |   |
| <i>Sewers, classification of.....</i>     | 1 | <i>mon council to levy.....</i>       | 1 |
| <i>Special district sewer tax, how</i>    |   | <i>amount of.....</i>                 | 1 |
| <i>applied .....</i>                      | 1 | <i>how applied .....</i>              | 1 |

SECTION 1. The board of common council shall have power, by ordinance, to cause a general sewer system to be established, which shall be divided into three classes of sewers, namely: public, district, and private sewers. Public sewers shall be established along the principal courses of drainage, at such times and to such extent, and of such dimension, and under such regulations, as may be provided by ordinance; and there may be extensions or branches of sewers already constructed, or entirely new throughout, as each case may require. The board of common council shall levy a tax on all property made taxable for State purposes, over the whole city, to pay the cost of constructing, re-constructing, and repairing such works; which tax shall be called a "special public sewer tax," and shall be of such amount as may be required for the sewers provided by ordinance to be built; and the fund arising from said tax shall be appropriated solely to the building, re-building, and repairing of said sewers. District sewers shall be established, within the limits of districts to be prescribed by ordinance, connecting with the public sewers, or other district sewers, or with any natural course of drainage, as each case may require. Such district may be subdivided, enlarged, or changed, by ordinance, at any time previous to the construction therein. The common council shall cause sewers to be constructed in each district, whenever a majority of the property holders resident within a district shall petition therefor, or whenever the council may deem such sewer necessary for sanitary or other purposes; such sewers shall be made of such dimensions as may be prescribed by ordinance, and may be changed, enlarged, or extended, and shall have all the necessary laterals, inlets, and other appurtenances, which may be required. So soon as a district sewer shall have been fully completed, the city engineer, or other officer having charge of the work, shall compute the whole cost thereof, and shall assess it as

Act March 14,  
1859, § 14, p. 129.

a special tax against the lots of ground, exclusive of improvements, in proportion to the area of the whole district, exclusive of public highways; and said officer shall make out a certified bill of such assessment, against each lot of ground within the district, in the name of the owner thereof. Such certificate shall be delivered to the contractor for the work, who shall proceed to collect the same by ordinary process of law, in the name of the city, and to his use; and in cases of absent owners he may sue by attachment, or by any other process known to law; and each certificate shall be a lien against the lot of ground described therein, and shall bear interest at the rate of ten per centum per annum, from thirty days after the date of issue; and if not paid within six months after date of issue, then it shall bear interest at the rate of fifteen per centum per annum, until paid.

Act January 16,  
1860, § 4, p. 136.

And every such certified bill shall, in every action brought to recover the amount thereof, be *prima facie* evidence of the validity of the charge against the property therein described, and of the liability of the person therein named as the owner of such property.

Act March 14,  
1859, § 14, p. 129.

And the city shall incur no liability for building district sewers, except whenever the city is the owner of a lot of ground within the district, and in that case she shall be liable for the cost of said sewer, in the same manner as other property owners within the district. The repairs, cleaning, and other incidental expenses of district sewers, shall be paid out of a general appropriation for that purpose; and at the end of each fiscal year the auditor shall report to the common council the amounts paid on account of each district, separately, and the assessors shall be instructed to assess the amounts so charged to each sewer district, in proportion to the assessed value of the property, as a "special district sewer tax," and shall charge it as an item in the general tax bills of the next fiscal year following the expenditure. Whenever district sewers have been already constructed, the common council shall have power to assess a special tax against the property in such sewer district, in proportion to the value thereof, for the immediate liquidation of the bonded debt and interest of said sewer district; and the accounts of the said sewer districts shall thereafter be kept in accordance with the provisions of this section: *Provided*, That in no case shall a sewer run diagonally

through private property when it is practicable to construct it parallel to one of its front lines; and a public sewer shall not be constructed through private property when it is practicable to construct it in the adjacent street. (See Chapter XX, section 1.)

# CHAPTER IX.

## *Of the City Revenue.*

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Act March 27,  
1861, § 15, p. 143.

SECTION 1. The board of common council of the city of St. Louis are hereby required, in the first appropriation ordinance of the fiscal year, to set apart and appropriate the amount certified to them by the police commissioners of the city of St. Louis, as the necessary expenses of the police department for the current fiscal year, payable out of the special fund set apart for that purpose, the whole of said appropriation for police purposes not to exceed the sum of one hundred and seventy-five thousand dollars.

Act February 5,  
1864, § 1, p. 153.  
Act Decem. 12,  
1863, § 5, p. 156.

Act February 23,  
1853, § 1, p. 104.

SEC. 2. The revenue received from wharfage (deducting expenses of collecting the same, and other incidental expenses attendant thereon) shall be applied and appropriated exclusively to the improvement of the wharf, until the same be completed; and the harbor tax, and all other special taxes, shall be applied exclusively to the objects to which they are applicable by law.

Act March 27,  
1861, § 15, p. 143,  
as amended by  
act February 5,  
1864, § 1, p. 153

SEC. 3. When the city revenue of each year shall have been collected, there shall be paid, out of the net aggregate amount thereof received from taxes and licenses of every kind:

*First*—The amount necessary to pay the interest upon the indebtedness of said city.

*Second*—The amount necessary for the expenses of the city hospital and health department.

*Third*—The amount necessary for the expense of lighting the city with gas; and

*Fourth*—The sum of ten thousand dollars required by law to be placed to the credit of the sinking fund of said city.\*

Act March 14,  
1859, § 13, p. 129.

SEC. 4. The appropriations and contracts made and entered into by the board of common council, during any one fiscal year, for all objects of the public service (except special expenditures, payable out of special revenue or taxes), shall not exceed the income of the previous fiscal year, after deducting from such income the proceeds of special revenue and taxes; but if the income of any one fiscal year, excepting therefrom the special revenue and taxes applicable to special objects of expenditure, shall be found to exceed the amount of appropriations herewith authorized, the board of common council shall appropriate such excess of income to the payment of the public debt.

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\*For appropriations concerning the new limits. see Chap. VII, p. 204.

*Provided, however,* That the council may issue new bonds for the purpose of paying bonds matured, and apply the proceeds to the payment of bonds so falling due, or may appropriate the surplus revenue of each year to the payment of such bonds, or the creation of a sinking fund for that purpose. Act February 23, 1853, § 1, p. 104.

SEC. 5. From and after the second Monday of October, 1861, the common council of the city shall not, after having passed a general appropriation bill, pass any ordinance appropriating money, unless the amount thereby appropriated be actually in the treasury of the city and not required to meet appropriations already existing. Any member of said common council voting for, and any mayor approving, any ordinance passed in violation of this section, shall be jointly and severally liable in his personal estate for any amount drawn from the treasury of said city in pursuance of any such ordinance. Act May 13, 1861, § 8, p. 145.

SEC. 6. The comptroller of said city shall cause to be canceled all special accounts on the books of the auditor of said city showing an unexpended balance to the credit of any special fund, when he shall be satisfied that such apparent balance has been authorized and used in the payment of indebtedness of said city. Ibid, § 10, p. 145.

SEC. 7. No sum of money appropriated by ordinance to any particular fund or object, shall, except in pursuance of change in the appropriation thereof by ordinance, be diverted from such fund or object, or used for any other purpose; and any officer of said city making or authorizing any such diversion, or use, shall be liable in his personal estate for any amount so diverted or used for any purpose or object other than that for which the same was especially appropriated. Ibid, § 9, p. 145.

SEC. 8. A separate account shall be kept of the revenue applicable to the different objects in this act indicated, and of the disbursements on account of each. Act Mar. 3, 1851, art. vii, § 22, p. 102.

SEC. 9. At each session of the city council, stated or special, and on the first day thereof, the auditor and treasurer, under such penalty as may be prescribed by ordinance for neglect thereof, shall lay before the council and the mayor a statement showing the amount of income derived from the revenue of the preceding fiscal year, and the appropriations for the different objects to which Ibid, § 23, p. 102.

the revenue is applicable during the then current fiscal year, certified by them jointly.

*Ibid*, § 24, p. 102.

SEC. 10. No warrant, bill, or note, shall be issued by the city to any creditor of the city, for less than one thousand dollars, or the entire amount due by the city to such creditor, if the same be less than such sum, or the balance remaining due to such creditor, after the issue to him of such thousand-dollar securities.

Act May 13, 1861  
§ 1 and 2, p. 145.

SEC. 11. But the city is authorized to issue an amount not exceeding two hundred thousand dollars of city treasury warrants, in denominations of one, two, and three dollars; and, also, issue three hundred thousand dollars of similar warrants, subject to the action of the common council; and to issue treasury warrants anew in place of those returned mutilated and worn.

Act March 23,  
1863, § 6, p. 151.

Act Mar. 3, 1851,  
art. vii, § 17, p.  
101.

SEC. 12. Whenever any revenue or other city officer, accountable as such for money received or receivable by him, shall neglect or refuse to pay into the treasury of the city the sum or balance reported by the auditor to be due from him to the city upon the adjustment of his account, the mayor shall order suit to be commenced in the proper court against such delinquent officer for such sum or balance, adding thereto the commissions of the delinquent, which shall be forfeited in every instance where suit is commenced and judgment obtained thereon, and an interest of six per cent. per annum from the time of receiving the money, or when it shall have been received, until it shall be paid into the treasury.

*Ibid*, § 18, p. 101.

SEC. 13. In every case of delinquency, where suit has been or shall be instituted, a transcript from the books of the auditor, certified by him, shall be admitted as evidence, and the courts trying the cause may grant judgment and award execution accordingly.

*Ibid*, § 19, p. 101.

SEC. 14. When suit shall be instituted against any delinquent as aforesaid, the court, where the same may be pending, shall grant judgment at the return term, upon motion, unless the defendant shall, in open court—the city attorney being present—make oath or affirmation that he is entitled to credits which had been, previous to the commencement of the suit, submitted to the consideration of the auditor, and rejected, specifying each particular item so rejected in the affidavit, and that he can not

then safely come to trial; oath or affirmation to this effect being made, subscribed and filed, if the court be thereupon satisfied, a continuance until the next succeeding term may be granted; but not otherwise.

SEC. 15. In suits, such as aforesaid, no claim for a credit shall be admitted upon trial but such as shall appear to have been presented to the auditor for his examination, and by him disallowed in whole or in part; unless it be proved to the satisfaction of the court that the defendant is, at the time of the trial, in possession of vouchers not before in his power to procure, and that he was prevented from exhibiting a claim for such credit to the auditor by some unavoidable accident. Ibid, § 20, p. 102.

SEC. 16. The city council shall, at least once a year, not more than thirty nor less than twenty days before the annual election, cause to be published, in the newspapers employed to do the city printing, a full statement of all the receipts and expenditures of every description for the current fiscal year, including all the moneys which have passed through the hands of the comptroller or treasurer, for any purpose whatever; together with the different sources of the city revenue, the amount received under each, the several appropriations made by the said city council, the objects for which the same were made, and the sums expended for each; also, a statement of all money borrowed upon the credit of the city, whether by temporary loans or by the issue of bonds, the terms upon which they were obtained, the authority under which they were borrowed, and the purpose to which they were applied, and how much of the same, or other city indebtedness, has been repaid, and by what means. The statement shall also include a detailed account of the city property, existing debts of every description, with all such other information as may be necessary for a full understanding of the financial concerns of the city. Ibid, § 1, p. 100.

SEC. 17. The fiscal year of the city shall terminate on the day preceding the second Monday of April in each year. Ibid, § 15, p. 101.



CHAPTER X.

*Of the Sinking Fund and Fund Commissioner.*

|                                                                                               |   |                                                                     |   |
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Act Mar. 5, 1855,  
§ 1, p. 108, as  
amended by act  
March 14, 1859,  
p. 128.

SECTION 1. The mayor of the city of St. Louis shall, as soon as practicable after the passage of this act, and every two years thereafter, nominate to the board of common council an officer to be called the Fund Commissioner; who, when confirmed by the board, shall hold his office for two years, and until his successor is appointed and qualified, unless sooner removed for cause; whose duty it shall be to manage and control the sinking fund hereafter created.

Ibid, § 2, p. 109.

SEC. 2. There is hereby created a sinking fund for the city of St. Louis, the proceeds of which shall be appropriated exclusively to the purchase of bonds issued by said city. Said fund shall consist of the sales of the city stores in block number seven; also, three-fourths of the net proceeds of the sales of the city commons in the year 1854, and three-fourths of the net proceeds of the sales of the city commons and other lands belonging to the city, when further sales shall be made; also, all the railroad stock belonging to the city, in any railroad terminating in the

city, or opposite to the same, in the State of Illinois; and, in addition thereto, the treasurer of the city shall, on the first Monday in October, in each and every year, pay over to the fund commissioner the sum of ten thousand dollars out of the general revenue of the city, which, together with the money, notes, and railroad stock above mentioned, shall constitute a perpetual and irrevocable sinking fund for the payment of the city debt: *Provided*, That all installments of ten thousand dollars per annum, due and unpaid to the fund commissioner prior to the first day of January, A. D. 1864, which are provided to be paid by the treasurer of the city, out of the general revenue of the city, on the first Monday in October of each year, shall not be so paid, and the fund commissioner shall not be entitled to receive any portion thereof.

Act February 14,  
1863, p. 151.

The city comptroller shall, as soon as said fund commissioner is appointed and has executed bond for the faithful performance of his duties, deliver to said commissioner all the notes on hand, arising from the sale of the city stores and the sale of commons, which belong to said sinking fund; he shall also give to said commissioner an order on the treasurer for the money arising from said sales belonging to said sinking fund and now in the treasury, and shall take the receipt of the commissioner for said money and notes; and all other money hereafter derived from sale of the commons, and such other lands as may be sold by the city and belonging to said sinking fund, shall be paid and delivered to the commissioner without delay.

Act Mar. 5, 1865,  
§ 2, p. 109.

SEC. 3. The money and notes received by the commissioner from every source shall, as soon as received, be deposited at such bank, banking-house, or savings institution, as the mayor and commissioner may agree upon: *Provided, however*, That no bank, banking-house, or savings institution, shall be entrusted with said sinking fund until the president or principal thereof shall have executed, in favor of the city of St. Louis, a bond for one hundred thousand dollars, with such individual security as shall be satisfactory to the mayor, conditioned for the safe-keeping and for the prompt payment of said sinking fund, or any part thereof, whenever the same may be demanded by said fund commissioner; which deposit shall be to the special credit of the city, to be drawn out only upon the check of the commissioner,

Ibid, § 3, p. 109.

Part of clause  
repealed, act  
Nov. 18, 1857,  
§ 1 and 2, p. 124

made payable to the order of the mayor, and endorsed by him. And said fund commissioner shall at all times keep the mayor fully advised of his transactions as fund commissioner; and the mayor, and the chairmen of the committees of ways and means of the respective boards of the city council, shall constitute a committee to examine, quarterly, the books, accounts and vouchers of the fund commissioner, and make a report thereon, to be filed in the comptroller's office. The fund commissioner shall also make a semi-annual report to the common council, in the months of January and July of each year, giving a detailed account of the condition of the sinking fund, and of his transactions as fund commissioner.

Act Mar 5, 1855,  
§ 4, p. 109.

SEC. 4. The fund commissioner, as fast as money comes into his hands in suitable amounts, shall invest the same in bonds of the city; and, when purchased, they shall be canceled in the presence of the mayor and comptroller, together with all coupons having more than ten years to run from the date of the purchase, and the fund commissioner shall have credit for the bonds so canceled; but all coupons attached to the bonds so purchased, falling due within two years from the date of the purchase, shall be cut off and retained by the commissioner and collected by him at maturity as other coupons, and the proceeds added to said sinking fund; and on failure to pay said coupons, said commissioner may cause them to be protested, and enforce their collection against the city in his own name, as though they were his individual property; and he shall stand charged with the coupons so retained.

Ibid, § 9, p. 109.

SEC. 5. As soon as the respective railroads in which the city has taken stock are completed, he shall give, in his semi-annual report to the common council, such general information as he may possess about the value of the stock in the respective roads; and the common council may at any time, by ordinance, direct the stock held in any of said roads to be sold, and the proceeds invested in the purchase or redemption of city bonds; and all dividends derived from any road, over and above the interest due on the bonds issued in payment for the railroad stock for the current year, shall be added to the sinking fund.

Ibid, § 6, p. 110.

SEC. 6. The fund commissioner shall give bond to the city, in the sum of one hundred thousand dollars, conditioned for the

faithful performance of his duties, with good and sufficient security, to be approved of by the mayor; and no person shall be eligible for the office of commissioner who is not a citizen of the United States and has [not] resided in the city or county of St. Louis at least seven years previous to the date of his appointment; and such commissioner may, at any time after notice given, be removed for cause, by a vote of two-thirds of the board of common council; the cause of removal to be spread upon the record of their proceedings. In case of the death, removal, or resignation of the commissioner, the mayor shall fill the vacancy by an appointment for the remainder of the time.

Act Mar. 14, '59,  
§ 8, requires  
three-fourths of  
the board to re-  
move an officer.  
See p. 128.

SEC. 7. Any fund commissioner who shall appropriate to his own use any money, bonds, notes, or other securities in his hands belonging to the city, or who shall refuse to deliver the same to his successor in office, or to any person entitled to receive the same, shall be deemed guilty of embezzlement.

Act Mar. 5, 1855,  
§ 7, p. 110.

SEC. 8. The common council shall, by ordinance, provide for the compensation of the fund commissioner and the necessary expenses of the office.

Ibid, § 8, p. 110.

SEC. 9. Whenever the fund commissioner shall be able to obtain an agreement for the payment of interest on the sinking fund from the depositary agreed upon by the mayor of the city of St. Louis and the fund commissioner, it shall be his duty so to do, at a rate settled by agreement between such depositary, and said mayor and fund commissioner on the part of the city, which interest shall be accounted for as a part of said sinking fund.

Act Nov. 18, '57,  
§ 3, p. 124.

## CHAPTER XL.

### *Of the Assessment and Collection of Taxes.*

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Act Mar. 3, 1851,  
art. vii, § 31, p.  
103.

SECTION 1. All lands and lots of ground shall be assessed for taxation at their actual cash value; and all houses, and other improvements, shall be assessed and taxed with the ground on which they stand.

Act January 17,  
1863, § 1 and fol-  
lowing, pp. 147--  
149.

SEC. 2. All real estate in the city of St. Louis, subject to taxation, shall be assessed in the name of the person who appears, from the records of the county of St. Louis, to be the owner thereof.

SEC. 3. If any person, having the charge or management of any taxable property, shall neglect or refuse to make return of such property to the assessor, in conformity to ordinance, after being notified in writing so to do, the assessor shall proceed to assess the same according to his best judgment, adding twenty per centum to such assessment as a penalty for such refusal; and in such case there shall be no abatement of the assessment or other relief therefrom, except by authority of special ordinance for that purpose.

SEC. 4. Whenever any real estate has been assessed against a wrong party, or has been omitted in the assessment in any year, and no tax thereon has been paid for that year, the assessor, as soon as the fact be discovered, shall assess the same against the owner, and make out a bill for the amount of taxes so assessed; which, if not paid on demand by the owner or other person interested in the property, shall be sued upon, and the same proceedings be had thereon as hereinafter provided for the collection of delinquent taxes against real estate.

SEC. 5. Suits may be brought before any justice of the peace in the city on all tax bills, both general and special, which have been, or may hereafter be, returned to the comptroller of the city unpaid; and such justice shall have jurisdiction in all such cases, without regard to the amount claimed. Each bill shall be considered as a separate and distinct demand, and, in any action brought to recover the same, shall be received as *prima facie* evidence of the indebtedness of the person therein named for the amount specified in the same; and when the suit is for the recovery of taxes which, by existing laws, constitute a lien on real estate, such bill shall also be received as *prima facie* evidence of the validity of the charge against the property therein described, and of the liability of the person therein named as the owner of the said property.

SEC. 6. The justice of the peace shall have power to summon all parties who may be interested in the real estate, charged with the lien, whether as incumbrancer or otherwise; but such as are not made parties shall not be bound by the proceedings. Resident defendants shall be served with the process as in ordinary suits; service in cases of non-residence in the county of St. Louis, or State of Missouri, may be made either on any trustee, attorney, or agent, having the care, control or management of the property, or who may be authorized by the owner to lease the same, or to collect and receive the rents and profits thereof; but if there be no such person in the county, known upon the returns of the assessor, to represent such non-resident, he shall be notified by publication in the same manner as non-resident defendants in attachment cases before justices of the peace.

SEC. 7. The proceedings, except as hereinafter provided, shall be the same as in ordinary suits before justices of the peace.

SEC. 8. In all suits brought to enforce the collection of taxes assessed against real estate, whenever the owner is not summoned, but notified by publication, and has not appeared, the judgment, if for plaintiff, shall be that the plaintiff recover the debt found to be due, with interest as may be prescribed by ordinance (not exceeding twenty per centum per annum), and costs, to be levied of the real estate, describing the same as in the tax-bill.

SEC. 9. When the owner has been duly summoned, or appears to the action, the judgment, if for the plaintiff, shall be as in the preceding section specified, with the addition that if the said real estate be not sufficient to satisfy said debt, interest and cost, then the residue to be levied of other goods, chattels, lands, and tenements, of said owner.

Act Feb. 16, '63,  
§ 1 p. 169.

SEC. 10. The city may file a transcript of said judgment in the office of the clerk of the land court, who shall thereupon issue an execution, if required, which execution shall be a special *fieri facias*, directed to the sheriff, and shall be in conformity with the judgment. On the filing of such transcript, such judgment shall have the same force and validity, by way of lien on realty, and in all other respects, as if rendered by any court of record in St. Louis county.

Act Jan. 17, '63,  
§ 10 and follow-  
ing, pp. 148-149.

SEC. 11. Such writ shall be returnable as other executions, and the advertisement, sale and conveyance of real or personal estate under the same, shall be made as in ordinary executions: *Provided*, That the sheriff, upon such sale, shall deliver to the purchaser a certificate of the sale, a duplicate of which he shall file with the city register; and the defendant in the execution, or his legal representatives, may redeem the property sold, at any time within one year next after the day of sale, upon the payment of the amount for which the property was sold, and interest thereon at the rate of ten per centum per annum, and of all costs accrued. But if the property be not so redeemed, the sheriff shall, at the expiration of one year, deliver to the purchaser a deed of the property sold.

SEC. 12. The purchaser, under a sale by virtue of an execution on a judgment rendered under this act, shall take title to the property sold as against all parties to the suit.

SEC. 13. Suits brought for taxes on personal property only shall be conducted throughout as other actions for the collection

of debts before justices of the peace (except as hereinbefore provided as to jurisdiction and evidence), and all proceedings subsequent to the judgment therein, and for the enforcement of the same, shall be as provided by law in ordinary cases.

SEC. 14. The sheriff or constable, as the case may be, shall, within ten days after the sale of property under this act, pay over to the comptroller of the city of St. Louis the amount received at such sale, after deducting all costs and expenses, and take a receipt therefor in duplicate, and attach to and return with the execution one of such duplicate receipts.

SEC. 15. Upon presentation to the comptroller of the certificate of sale, made by the sheriff to the purchaser of real estate sold under this act, the defendant in the execution, or his legal representatives, shall be entitled to receive from the comptroller all the surplus of the purchase money over and above the amount of the execution; and the comptroller shall pay over to such defendant in the execution, or his legal representatives, all such surplus, upon demand, when the time for redemption of real property sold shall have expired, or where the purchase money may be for personal property sold.

SEC. 16. Appeals to the St. Louis land court shall be allowed from the judgment of the justice, in all cases prosecuted under this act, in the manner prescribed for appeals in other civil cases; and where the defendant appeals, if the judgment of the justice be affirmed, or if, on the trial anew in the appellate court, judgment be given against the appellant, such judgment shall be rendered against him and his securities in the recognizance, as in other cases of appeal, with ten per centum interest added thereto as damages; but no appeal shall in any wise affect or impair the lien of the city upon the property proceeded against.

SEC. 17. Any constable for the city of St. Louis is hereby authorized to execute any process which may come into his hands under this act, anywhere in the county of St. Louis.

SEC. 18. No property whatever shall be exempt from sale on execution for the payment of taxes now due, or hereafter to become due, to the city of St. Louis.



## CHAPTER XII.

*Of the Wharf and Harbor.*

|                                                                                   |            |                                                                            |            |
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| <i>Bonds</i> , common council may issue for improvement of harbor.....            | 2, 3, 4, 5 | <i>Harbor fund</i> , what to compose .....                                 | 2, 3, 4, 5 |
| certain, to constitute a part of public debt .....                                | 7          | to be used for no other purpose .....                                      | 2, 3, 6    |
| <i>Common council</i> , may borrow money for improvement of harbor and wharf..... | 2, 3, 4, 5 | liability for misapplying.....                                             | 6          |
| members of liable for certain vote .....                                          | 6          | <i>Harbor tax</i> , council may levy....                                   | 2          |
| may compromise claims against wharf.....                                          | 8          | to be paid to fund commissioner .....                                      | 2          |
| powers of, to quiet title to wharf.....                                           | 8          | <i>Mayor</i> , liable on approving certain bills.....                      | 6          |
| <i>Fund commissioner</i> , certain moneys to be paid to.....                      | 2, 3       | <i>Tax</i> , common council may levy for improvement of harbor             | 2          |
| <i>Harbor</i> , extent of.....                                                    | 1          | <i>Tonnage tax</i> , common council may levy.....                          | 3          |
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| city may borrow money for improvement of.....                                     | 2, 4, 5    | <i>Wharf</i> , what fund to be used for improvement of.....                | 2, 3       |
| how money borrowed for, to be applied... ..                                       | 2, 4, 5, 6 | city may issue bonds for improvement of .....                              | 2          |
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|                                                                                   |            | power of city to quiet title of                                            | 8          |

Act February  
16, 1865, § 1, p.  
169.

SECTION 1. The harbor of the city of St. Louis shall extend from the mouth of the Missouri river to the northern boundary line of the city of Carondelet, and shall embrace the beds of the Mississippi river, its sloughs, islands, bayous, and all high-water channels along both shores of the river.

Ibid, § 2, p. 170.

SEC. 2. For maintaining the permanency and improving the wharf and harbor, and for opening and extending the wharf, it shall be competent for the city of St. Louis to apply all the net receipts from wharfage, and all the moneys now in the city treasury, to the credit of the several wharf funds; also, for the same purpose, to borrow five hundred thousand dollars, by an issue of coupon bonds of the denomination of one thousand dollars each, running for the term of twenty years, and bearing interest at the rate of six per centum per annum, for the payment of the principal and interest of which the revenues of the wharf shall be pledged; and the city [common] council, in its discretion, may levy a harbor tax of not exceeding one-tenth of one per cent. upon all property made taxable by law, for State purposes, within the city of St. Louis, the proceeds of which tax shall be held sacred for the purpose of paying the principal and

interest of the wharf and harbor fund herein authorized to be created, and shall be paid over to the fund commissioner on the first day of each fiscal year, as may be regulated by ordinance.

SEC. 3. The city of St. Louis shall also be authorized, in addition to the wharfage, to levy and collect a tonnage tax upon all boats, rafts and other water crafts landing at the wharf between Biddle street and Plum street, for the purpose of widening and repairing the wharf between the points mentioned; and the said city may borrow the sum of two hundred and fifty thousand dollars for the purposes above mentioned, and may issue bonds therefor, similar to bonds mentioned hereinbefore; and the said tonnage tax shall be held sacred for the payment of the principal and interest thereof, and shall be held by the fund commissioner, all as may be provided by ordinance: *Provided*, That no part of the fund hereby created shall be used to pay for private property which may be required for the opening or extending of said wharf, until the amount to be paid by the city therefor shall have been assessed, as benefits to the public generally, by a jury impaneled to condemn said property, as provided for by law and ordinance. Ibid, § 3, p. 170.

SEC. 4. The city of St. Louis is hereby authorized to borrow any sum of money for the improvement of the harbor of said city, not exceeding the sum of one hundred thousand dollars; and the mayor and common council of said city are hereby authorized to appropriate the money so borrowed to the construction of such works, within or without the limits of said city, as may be necessary to improve or secure the harbor of said city, and to remove all obstructions to navigation from said harbor. Act March 26,  
1845, § 1, p. 82.

SEC. 5. The city of St. Louis, subject to the provisions hereinafter contained, is hereby authorized to borrow any sum of money not exceeding fifty thousand dollars, and to issue the bonds of said city, not exceeding said maximum sum, and bearing an interest of not more than six per cent. per annum, payable semi-annually; and to appropriate the money so borrowed to the construction of such works, within or without the limits of said city, as may be necessary to improve or secure the harbor opposite the southern part of said city, and to remove all obstructions to navigation from said part of the harbor. Act March 12,  
1849, § 1, p. 86.

*Ibid.*, § 5, p. 86.

SEC. 6. Any member of the common council who shall vote for any ordinance that shall be passed for the application of the money borrowed to any other object than the improvement of the harbor, or for the application of the proceeds of the tax before provided for to any other object than the payment of the principal and interest of the loans before authorized, and any mayor of said city who shall approve any ordinance by which the proceeds of such loans or tax shall be diverted to any other object, shall be liable to pay the amount so diverted to the city; and the same may be recovered by action on the case against such mayor, or such member, in the name of the city; and upon the passage of such ordinance, by which such illegal appropriation shall be made, any member of the council present shall be deemed to have voted for the passage of such ordinance, unless the yeas and nays are entered upon the journals of such board of the common council.

Act March 3,  
1851, art. vii,  
§ 27, p. 102.

SEC. 7. The bonds issued under authority of "An act for the improvement of the harbor opposite the city of St. Louis," approved March 12, 1849, shall constitute a portion of the debt of the city of St. Louis.

Act March 10,  
1849, p. 85.

SEC. 8. The common council of the city of St. Louis shall have power to provide, by ordinance, for compromising, adjusting and purchasing the conflicting claims that have been set up by individuals to the ownership of any part of the city wharf or landing, in front of the city, and to obtain from the claimants relinquishments of all their pretensions to hold or own any part of the wharf as private property; and to take all necessary steps to quiet the title of the city to such portions of the wharf or landing, so that the same may be hereafter improved and used as a public city wharf, as other portions of the wharf are now held and used. The common council shall have power, by ordinance, to provide the means for carrying this act into effect, by loan, taxation, or otherwise.

CHAPTER XIII.

*Of Gaslight.*

|                                                                                         |    |                                                                   |      |
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| <i>Advance payment for gas, how much company may demand</i> .....                       | 1  | <i>Gas commissioners, to give bond</i> §                          | 14   |
| <i>Average bills, making of prohibited</i> .....                                        | 5  | <i>Gas inspector, mayor to appoint</i>                            | 2    |
| <i>Bonds, city may issue to purchase gasworks</i> .....9, 10,                           | 16 | duties of.....                                                    | 2, 3 |
| provisions for sale of.....11,                                                          | 16 | to investigate complaints.....                                    | 2, 3 |
| <i>Common council, to carry certain act into effect</i> .....                           | 8  | to remedy defects in meters...                                    | 2    |
| <i>Gas, deduction to be made for inferior</i> .....                                     | 3  | to estimate quantity of gas consumed.....                         | 2    |
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| <i>Gas commissioners, mayor to appoint</i> .....                                        | 13 | <i>Gasworks, provisions enabling city to purchase</i> .....9, 10, | 16   |
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|                                                                                         |    | to require company to furnish good gas.. .....                    | 3    |
|                                                                                         |    | to appoint gas commissioners                                      | 13   |
|                                                                                         |    | <i>Revenue, from gasworks, how to be applied</i> .....            | 12   |

SECTION 1. No gaslight company, chartered in the city of St. Louis, shall be allowed to demand from its customers advance payment for more than the estimated quantity of gas to be used by the party for the period of one month and a half. Act March 14, 1859, § 1, p. 129.

SEC. 2. It shall be the duty of the mayor to appoint a gas inspector for said city. It shall be the duty of said inspector, in every case of complaint made by any person using said gas, to examine into the cause of complaint; and if any defect is found in the meter, he shall cause said defect to be remedied at the expense of the gas company; and he shall also, in case of defect found in the meter, estimate the amount of the gas actually used by the consumer for the month, and report the same to the company, who shall charge the consumer for said amount and no more; and the common council, by ordinance, may impose such additional duties upon the inspector, in regard to gas inspection, as they may deem necessary. Ibid, § 2, p. 125.

SEC. 3. It shall also be the duty of said inspector, in case of complaint made that the gas company is furnishing gas of an inferior quality, to examine into the cause of complaint; and if it be found that the gas is of inferior quality, he shall report the fact to the mayor, who shall immediately notify the officers of the gas company, requiring them to furnish good gas; and the com- Ibid, § 3, p. 125.



pany shall make a reasonable and proper deduction from the price of the gas sold during the time of the existence of such inferiority ; such deduction to be made by order of the mayor, upon the report of the inspector.

*Ibid*, § 4, p. 125. SEC. 4. The said inspector shall receive, for office rent and salary, to be fixed by the common council, a sum annually not exceeding two thousand dollars, to be paid by the company.

*Ibid*, § 5, p. 125. SEC. 5. No gas company shall be ever allowed to make out average bills, but all bills shall be based upon the actual amount of gas consumed.

*Ibid*, § 6, p. 126. SEC. 6. If any gas company in said city shall refuse to supply gas to any occupant of a building, because a previous tenant of the building may not have paid his gas bill, it shall forfeit and pay the sum of ten dollars for every day it shall so refuse ; to be recovered in any court having jurisdiction, in the name of the injured party.

*Ibid*, § 7, p. 126. SEC. 7. All compulsory agreements or contracts, made by any gas company with individuals, requiring a deposit of money greater than is sufficient to pay for the average quantity of gas consumed for one month and a half, are hereby declared void.

*Ibid*, § 8, p. 126. SEC. 8. It shall be the duty of the common council of the city of St. Louis to provide, by ordinance, for carrying into effect this act.

Act March 12,  
1859. § 1, p. 126. SEC. 9. For the purpose of providing the means to enable the city of St. Louis to purchase and pay for the gasworks of, and belonging to, the St. Louis gaslight company, pursuant to the provisions of the twenty-seventh section of the amended charter of the St. Louis gaslight company, approved February 11, 1839, the mayor of the city of St. Louis is hereby authorized to issue the bonds of said city of St. Louis, in sums of one thousand dollars each, payable at such time or times, not less than five nor more than twenty years from the date thereof, as the mayor and fund commissioner of said city shall deem best, to an amount sufficient, and no more than sufficient, to pay the purchase money of said gasworks ; which bonds shall bear interest at the rate of six per cent. per annum, payable semi-annually, and shall have attached to them semi-annual coupons for the payment of said interest. Said bonds shall be entitled, and designated on their face, "Special Gasworks Bonds of the city of St. Louis ;" shall

be signed by the mayor and countersigned by the comptroller and fund commissioner of the city of St. Louis, and shall have the seal of said city affixed thereon. They shall be obligatory on said city of St. Louis, and be and operate a special lien on all the works and property of said St. Louis gasworks, and the entire works, property, rights and franchises, of every nature whatever, of said St. Louis gaslight company, when purchased; and all additions thereto, or extensions thereof, thereafter made by said city, shall be, and the same are, irrevocably pledged and held bound and liable for the payment of said bonds.

SEC. 10. If said city shall not purchase said gasworks at the time specified in the foregoing section, this law shall remain in force, so as to enable said city to purchase said gasworks at any other time, when, by said amended charter, said purchase is authorized to be made; and upon said purchase being made at any time, all the rights, privileges and franchises of said St. Louis gaslight company, together with the whole property of said company, of every nature, real, personal, and mixed, shall be the property of, belong to, and be vested at once by said purchase in, the said city of St. Louis, and said St. Louis gaslight company be at the same time wholly divested thereof. Ibid, § 2 p. 127.

SEC. 11. Said bonds shall be sold by said mayor, or by some person duly authorized by him to sell the same; and the proceeds thereof shall at once be paid over into the hands of the fund commissioner of the city of St. Louis, who shall apply the same, without delay, to the payment of the purchase money aforesaid, and to no other purpose whatever. Ibid, § 3, p. 127.

SEC. 12. The entire revenue and receipts arising from said gasworks, after paying the current expenses of the management of said works, shall be paid over into the city treasury, and the treasurer of said city shall keep a separate account of said moneys, which shall be held secure to the payment of the interest on said bonds, the pendent extension of said works, as the necessities of said city require, and to the final payment of said bonds; that is to say, so much of said revenue as may be necessary shall be appropriated to the payment of the said interest, secured by such extensions and improvements of said works as may be ordered by the board of commissioners herein named; and whatever remains of said revenue shall be, from time to time, at least half- Ibid, § 4, p. 127.

yearly, invested in said special gasworks bonds, or the bonds of the city of St. Louis, or the bonds of the State of Missouri; the interest on which last-named bonds shall be again, in like manner, invested from time to time, and the whole be kept secured and appropriated to the final redemption, after payment, of said special gasworks bonds of the city of St. Louis.

*Ibid.*, § 5, p. 127.

SEC. 13. There shall be appointed by the mayor of said city, by and with the advice and consent of the board of common council, two persons, who, in conjunction with the mayor, shall constitute a board of commissioners for the management, control and operation of said works; which board shall operate, manage, control, and extend said gasworks, and the revenue and income arising therefrom, under and according to the provisions of this law, and such rules and regulations as the mayor and common council of the city of St. Louis shall, from time to time, by ordinance establish and prescribe, not inconsistent with this law. Said board of commissioners may appoint a superintendent of said gasworks, and employ such other officers and agents as the management and operation of said works require, which superintendent and subordinate officers shall receive such compensation for their services as said board may fix and allow.

*Ibid.*, § 6, p. 127.

SEC. 14. Said commissioners shall be appointed and hold their offices for two years, and until their successors are appointed and qualified; shall give such bond, and receive such compensation, not exceeding one thousand dollars, as shall be allowed by ordinance: *Provided, however,* That, in the first appointment of commissioners, one shall be appointed for only one year, so that both of said commissioners shall not go out of office at the same time.

*Ibid.*, § 7, p. 127.

SEC. 15. The city of St. Louis shall have power to lease said work, from time to time, subject to such restrictions and conditions as the common council of said city shall, by ordinance, impose.

Act February 5,  
1864, p. 158.

SEC. 16. It shall and may be lawful for the city of St. Louis, at any time after the common council of said city shall decide to purchase the gasworks of the St. Louis gas company, to issue the bonds of the city in sums of one thousand dollars each, bearing six per cent. interest, and having twenty or less years to run, to any amount the said city council shall determine as necessary

for the purchase of the gasworks aforesaid; and the said bonds may be sold and the proceeds applied to the purchase aforesaid, and to no other purpose whatever.

# CHAPTER XIV.

## *Of the Waterworks.*

|                                                                                         |      |                                                                                         |      |   |
|-----------------------------------------------------------------------------------------|------|-----------------------------------------------------------------------------------------|------|---|
| <i>Aqueduct</i> , city may lay, how.....                                                | 2    | <i>Mayor</i> , to be one of water commissioners .....                                   | 2    | 3 |
| <i>Bonds</i> , for waterworks, city may issue .....                                     | 7    | to be one of trustees of water fund.....                                                | 8    |   |
| how styled .....                                                                        | 7    | <i>Mississippi river</i> , water may be conveyed from.....                              | 1    |   |
| provisions concerning .....                                                             | 7    | <i>Pipes</i> , city may lay.....                                                        | 2    |   |
| how sold .....                                                                          | 7    | (See water pipes.)                                                                      |      |   |
| common council to authorize sale of .....                                               | 7    | <i>Reservoirs</i> , city may build.....                                                 | 1, 2 |   |
| <i>Carondelet</i> , city may convey water to, when.....                                 | 9    | <i>Salaries</i> of water commissioners, how fixed .....                                 | 4    |   |
| <i>Circuit court</i> , proceedings before to ascertain damages for property taken ..... | 6    | not to be changed while in office .....                                                 | 4    |   |
| <i>Commissioners</i> , (see water commissioners) .....                                  |      | <i>Sinking fund</i> , to pay debt of waterworks, how created...                         | 8    |   |
| <i>Common council</i> , power of over water commissioners.....                          | 3    | <i>Treasurer</i> , to be one of trustees of water fund.....                             | 8    |   |
| may remove commissioners...                                                             | 3    | <i>Trustees</i> of water fund, how composed .....                                       | 8    |   |
| to direct manner of letting work .....                                                  | 3    | duties of.....                                                                          | 8    |   |
| to approve plan for works.....                                                          | 3    | <i>Water</i> , may be conveyed from Mississippi river.....                              | 1    |   |
| to fix salaries of comm'rs.....                                                         | 4    | may be conveyed to Carondelet, or other town.....                                       | 9    |   |
| to provide for carrying on works, when .....                                            | 5    | <i>Water commissioners</i> , how appointed .....                                        | 3    |   |
| may issue St. Louis water bonds .....                                                   | 7    | qualifications of.....                                                                  | 3    |   |
| to authorize sale of bonds.....                                                         | 7    | duties of.....                                                                          | 3    |   |
| to designate deposit of proceeds of.....                                                | 7    | to superintend works.....                                                               | 3    |   |
| to fix rates of water used.....                                                         | 8    | subject to common council....                                                           | 3    |   |
| to provide for payment of water bonds.....                                              | 8    | term of office of.....                                                                  | 3    |   |
| to elect trustees of water fund                                                         | 8    | may be removed from office...                                                           | 3    |   |
| when to lay water-pipes.....                                                            | 10   | quorum of.....                                                                          | 3    |   |
| to direct manner of collection of cost of pipes.....                                    | 10   | to report, when.....                                                                    | 3    |   |
| may assess cost of water-pipes now laid.....                                            | 10   | salaries of, how fixed .....                                                            | 4    |   |
| <i>Comptroller</i> , to be member of trustees of water fund.....                        | 8    | salaries of not to be changed while in office.....                                      | 4    |   |
| <i>Damages</i> , city to pay for lands taken.....                                       | 6    | powers of, vested in city, when converting public money, how punished .....             | 7    |   |
| proceedings to ascertain.....                                                           | 6    | <i>Water license</i> , when to be issued                                                | 10   |   |
| <i>Expenses</i> for waterworks, how provided for .....                                  | 7    | <i>Water-pipes</i> , city may lay.....                                                  | 1, 2 |   |
| <i>Governor</i> to appoint water commissioners .....                                    | 3    | when to be laid in streets.....                                                         | 10   |   |
| <i>Lands</i> , city may hold for waterworks .....                                       | 1, 2 | cost of laying, how paid.....                                                           | 10   |   |
| city to pay for, when taken for waterworks.....                                         | 6    | cost of, to be lien on property common council to direct manner of collecting cost of   | 10   |   |
| <i>License</i> for water, when to be issued .....                                       | 10   | <i>Water rates</i> , city council to fix... to be applied to payment of waterworks..... | 8    |   |
|                                                                                         |      | <i>Waterworks</i> , common council to approve plan of.....                              | 3    |   |
|                                                                                         |      | expenses of, how provided for                                                           | 7    |   |



Act March 23,  
1863, § 1 and fol-  
lowing, p. 151.

SECTION 1. The city of St. Louis is hereby authorized, by and through the agency of five commissioners—to be appointed in the manner hereinafter provided—to take, hold and convey to, into and through the said city, the water of the Mississippi river, from any point on said river; and may also take and hold, by purchase or otherwise, any lands or real estate necessary for laying and maintaining aqueducts for conducting, discharging, disposing of and distributing water, and for forming reservoirs.

SEC. 2. The said city may, by and through the same agency, make or build one or more permanent reservoirs, at the points hereinbefore named, or in said city; and may carry and conduct any aqueduct or other works, by them to be made or constructed, over or under any water-course, or any street, turnpike-road, railroad, highway, or other way, in such manner as to not unnecessarily obstruct or impede travel thereon; and may enter upon and dig up any such street, road or way, for the purpose of laying down pipes beneath the surface thereof, and for maintaining and repairing the same; and may occupy, for reservoir purposes, all public highways which cut the ground selected for reservoirs; and, in general, do any other acts and things necessary, or convenient and proper, for the purposes of this act.

Ibid. § 3, as  
amended by act  
January 18, 1865,  
§ 1, p. 168.

SEC. 3. Four commissioners shall be appointed by the Governor, who shall be citizens of the United States, residents and taxpayers of the city of St. Louis; and the mayor of said city shall be a commissioner, *ex officio*, for the time being. Said commissioners shall, during their continuance in office, execute and perform, and superintend and direct the execution and performance of, all the works, matters and things mentioned in the preceding sections, which are not otherwise specially provided for in this act; they shall be subject to such ordinances, rules and regulations in the execution of their said trust as the common council may from time to time ordain and establish, not inconsistent with the provisions of this act or the laws of this State; they shall, respectively, hold their offices for the term of five years next after their said election, unless the works aforesaid shall be sooner completed; but they, or either of them, after having had an opportunity to be heard in his or their defense, may be removed at any time by a vote of two-thirds of the common council; and in case of a vacancy in the board of com-

missioners, by death, resignation, removal, or otherwise, such vacancy shall be filled by the Governor, and shall hold his office for the residue of the said term of five years, with all the powers and subject to all the restrictions aforesaid. A major part of said commissioners shall be a quorum for the exercise of the powers and the performance of the duties of said office; they shall, once in every six months, and whenever required by the common council, make and present, in writing, a particular report and statement of all their acts and proceedings, and of the condition and progress of the works aforesaid. The common council shall provide by ordinance the manner of letting out the work herein authorized to be done; and the general plan of said works shall be approved by the common council before any part thereof shall be executed.

SEC. 4. Before the appointment of the commissioners aforesaid, the common council shall establish and fix the salaries or compensation to be paid to the commissioners for their services; and the said salaries of the said commissioners, so established and fixed as aforesaid, shall not be reduced nor increased during their continuance, respectively, in said office.

Act March 23,  
1863, § 4, and following, pp. 152  
—154.

SEC. 5. Whenever the said office of commissioners shall cease, either by the expiration of the said term of five years from the original election, or by the completion of the works mentioned in the preceding sections of this act, all the rights, powers and authority given to the city of St. Louis by this act, shall be exercised by the said city, subject to all the duties, liabilities and restrictions herein contained, in such manner, and by such agents, officers and servants, as the common council shall, from time to time, ordain, appoint, and direct.

SEC. 6. The said city of St. Louis shall be liable to pay all damages that shall be sustained by any persons, in their property, by the taking of any lands or real estate, or public streets, or highways, for the purpose of this act; and if the owner of lands or real estate, which shall be taken as aforesaid, or which may be permanently injured in value by the taking of any street or highway, shall not agree upon the damages to be taken therefore [therefor], he may apply by petition for the assessment of his damages, at any time within one year from the taking of such lands or real estate, and not afterwards, to the circuit court of

St. Louis county; such petition may be filed in the clerk's office of said court, in vacation or in term time, and the clerk shall thereupon issue a summons to the city of St. Louis, returnable, if issued in vacation, to the then next term of the same court, and if in term time, returnable on such day as the said court shall order, to appear and answer to the said petition. The said summons shall be served, twenty days at least before the return day thereof, by leaving a copy thereof, and of said petition, certified to by the officer who shall serve the same, with the mayor of the said city; and the said court may, upon default or hearing of said city, appoint three judicious and disinterested freeholders of the county of St. Louis, who shall, after reasonable notice to the parties, assess the damages, if any, which such petitioner may have sustained as aforesaid; and the award of said freeholders, or the major part of them, being returned into and accepted by the said court, shall be final, and judgment shall be rendered and execution issued thereon, for the prevailing party, with costs, unless one of said parties shall claim a trial by jury, as herein-after provided. If either of the parties shall be dissatisfied with the award of damages as herein expressed, such party may, at the term at which said award was accepted, or at the next term thereafter, claim, in writing, a trial in said court, and have a jury to hear and determine, at the bar of said court, all questions of fact relating to said damages, and to assess the amount thereof; and the verdict of said jury, being accepted and recorded by said court, shall be final and conclusive, and judgment shall be rendered and execution issued thereon; and costs shall be recovered by said parties, respectively, as may be ordered by the said court. In every case of a petition to the circuit court by any person for the assessment of damages as hereinbefore provided, the city of St. Louis, by any of its officers, may tender to the complainant any sum that it shall think proper, or it may bring the same into court, to be paid to the complainant for the damages claimed in his petition; and if the complainant shall not accept the same with his costs up to the time, but shall proceed in the suit, he shall be entitled to his costs up to the time of the tender of such payment into court, and not afterward; and the said city shall be entitled to recover costs afterward, unless the claimant shall recover greater damages than were so offered.

SEC. 7. For the purpose of defraying all the costs and expenses of such lands and real estate as shall be taken, purchased, or held for the purposes mentioned in this act, and of constructing all works necessary and proper for the accomplishment of the said purposes, and all expenses incident thereto, the common council shall have authority to issue, and shall issue, from time to time, bonds or certificates of debt, to be denominated, on the face thereof, "St. Louis Water Bonds," with this act printed on the reverse side, to an amount not exceeding, in the whole, the sum of three millions of dollars, bearing interest at a rate not exceeding six per cent. per annum; and said interest shall be payable semi-annually, and the principal shall be payable at periods not more than thirty nor less than twenty years from the issuing of said bonds or certificates of debt, respectively. And the said commissioners may sell the same, or any part thereof, from time to time, at public or private sale, or pledge the same for money borrowed for the purchases aforesaid, on such terms and conditions as the said commissioners shall judge proper.

Such pledges shall not be of a greater amount than fifty thousand dollars at any time, and the common council shall authorize said commissioners to sell said bonds, from time to time, or whenever the necessities of said works shall require such sale to be made. Such bonds, when held by a citizen of the State of Missouri, shall be exempt from taxation thereon. All bonds or certificates of debt, to be issued as aforesaid, shall be signed by the mayor, and countersigned by the comptroller and treasurer of said city; and a record of all such bonds, or certificates of debt, shall be made and kept by the said comptroller and treasurer, respectively. The proceeds of the sales and pledges of said bonds shall be placed on deposit in any banking institution that may be designated by the common council, for which said institution shall give satisfactory security, to be approved by said council; and all moneys to be paid on account of said works shall be drawn upon warrants signed by a majority of said commissioners, which warrants shall be countersigned by the mayor and comptroller; and if said commissioners, or any of them, shall use of any of said money for his or their private purposes, shall, upon conviction of the fact before the criminal court, be



imprisoned in the State prison not less than two nor more than five years.

SEC. 8. The common council may, from time to time, regulate the prices or rents for the use of water supplied by the works now in existence, and those herein authorized to be constructed, with a view to the payment, from the net income, rents and receipts thereof, not only of the semi-annual interest, but ultimately of the principal; also, of the St. Louis water bonds, so far as the same may be practicable and reasonable; and the said net surplus income, rents and receipts, after deducting all expenses and charges of distribution, shall be set apart as a sinking fund, and shall be appropriated for and toward the payment of the principal and interest of the said bonds; and shall, under the management, control and direction of the mayor, comptroller and treasurer, and two members of the common council, to be chosen by the council annually therefor, who shall be trustees of the said fund, be applied solely to the purpose and use aforesaid, until the said bonds shall be fully paid and discharged; and the said trustees shall, whenever thereto required by the common council, render a just, true and full account to the said common council of all their receipts, payments and doings under the provisions of this section.

SEC. 9. The city of St. Louis is authorized to convey the water, by means of the works herein provided for, or such additional works as may be necessary, into the city of Carondelet, or into any other town or city in the county of St. Louis, whenever the said city of St. Louis shall make a satisfactory arrangement with any of the said cities or towns therefor.

SEC. 10. That whenever a majority of the property holders on any street, lane, or alley in said city of St. Louis, shall hereafter petition for water-pipe to be laid along such street, lane, or alley, or whenever two-thirds of the members of the common council shall, by vote, declare it to be necessary, the city shall cause the same to be laid; the cost of all pipe and laying thereof, as above provided, shall be apportioned and charged on the adjoining lots, in the proportion of their fronts, and be paid by the owners of such lots, respectively; and they shall be bound to pay for the same as though the liabilities were contracted by themselves, and may be sued therefor accordingly; and the lots

or lands chargeable therewith shall also be held by a lien for the respective apportioned share of such cost, until the same be fully paid. Such lien may be enforced by special tax, levy and sale, or by proceedings of law, all according to such provisions as may be prescribed by said common council; and in no case shall a license be issued for the use of the water until the tax for the water-pipe has been paid: *Provided*, That such tax shall not be greater, in the opinion of the mayor, than the cost of a six-inch pipe; and the common council is hereby authorized to assess, in like manner, the property fronting on any street, lane or alley, where a supply-pipe is now laid, with such portion of the cost thereof as, in the opinion of said council, shall be equivalent to the cost of a six-inch supply-pipe, or less if a smaller pipe is used; and said council is also hereby authorized to assess all property fronting on any street or alley, or other way, where a water-pipe is now or shall hereafter be laid, with a tax of not exceeding one-twentieth of one per cent. per annum on the valuation of such property; the proceeds of such tax to be disposed of in the same manner as the other revenue from the works herein authorized to be constructed.

## CHAPTER XV.

### *Of the Police.*

|                                             |    |                                           |    |
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Act March 27,  
1861, § 1, p. 139.

SECTION 1. The common council of the city of St. Louis may pass ordinances for preserving order, securing property or persons from violence, danger or destruction; protecting public and private property, and for promoting the great interests and insuring the good government of the city; but no ordinance hereby passed, or that may hereafter be passed, by the common council of St. Louis, shall in any manner conflict or interfere with the powers, or the exercise of the powers, of the board of

police commissioners of the city of St. Louis, as hereinafter created; nor shall the said city, or any officer or agent of the corporation of said city, or the mayor thereof, in any manner impede, obstruct, hinder, or interfere with the said board of police, or any officer, or agent, or servant, thereof or thereunder.

SEC. 2. There shall be, and is hereby, established, within and Ibid, § 3 p. 139. for the city of St. Louis, a board of police, to be called "The Police Commissioners of the City of St. Louis," to consist of four commissioners, as hereinafter provided, together with the mayor of said city for the time being, or whosoever may be lawfully acting in that capacity, who shall be, *ex officio*, president of Act Dec. 12 '63. § 1, p. 155. said board; and said board shall appoint one of their members as vice president, who shall act during the absence of the president. The said commissioners shall be citizens of the State of Missouri, and shall have been residents of the city of St. Louis for the period of three years next preceding their appointment. They shall, except as hereinafter specified, hold their offices for four years, and until their respective successors shall have been appointed and qualified, and shall receive each a salary of one thousand dollars per annum, payable quarterly. Before entering on the duties of their said office, the said commissioners and the said mayor shall take and subscribe, before the judge of the circuit court of St. Louis county, or the clerk thereof, the oath or affirmation prescribed by the constitution of the State of Missouri; and shall also take and subscribe, before the same judge or clerk, the further oath or affirmation that, in any and every appointment or removal to be by them made to or from the police force created, and to be organized by them under this act, they will in no case, and under no pretext, appoint or remove any policeman, or officer of police, or other person under them, for [or] on account of the political opinions of such policeman, officer or other person; or for any other cause or reason than for the fitness or unfitness of such person, in the best judgment of the said commissioners, for the place to which he shall be appointed, or from which he shall be removed. The said oaths or affirmations shall be recorded and preserved among the records of said circuit court. One of their own number shall, from time to time, be appointed by said commissioners treasurer of said board of police; and his appointment, when made, shall be certi-

Act March 27, 1861 § 3 p. 139.



fied to the clerk of the circuit court of the county of St. Louis, under the seal of said board. Said treasurer shall hold his office for such term as may be designated by the commissioners, who may remove him at pleasure, and shall be entitled to additional compensation, at the rate of five hundred dollars per annum, for acting in that capacity. Before he enters on the duties of his office as treasurer, he shall give bond to the State of Missouri, with one or more securities, in the penalty of fifty thousand dollars, conditioned for the faithful discharge of his duties as treasurer of the board of police, and for the faithful application and payment over, pursuant to the order and direction of said board, of all moneys which may come to his hands as treasurer. The bond of the treasurer shall be approved by the judge of the circuit court of the county of St. Louis, and shall be delivered to and safely kept by the treasurer of St. Louis county. A majority of the board of police shall constitute a quorum; and the failure or refusal of the mayor, or acting mayor, of the city of St. Louis to qualify or act hereunder, shall in no wise impair the right or duty of said commissioners to organize and proceed as herein provided. In case a vacancy shall occur in said board, the same shall be filled by the Governor of the State of Missouri forthwith, after having been notified that such vacancy exists. Any one of said commissioners who, during his term of office, shall accept any other place of public trust or emolument, or who, during the same period, shall knowingly receive any nomination for an office elective by the people, without publicly declining the same within twenty days succeeding said nomination, shall be deemed to have thereby vacated his office. For official misconduct, any of said commissioners may be removed by the Governor of the State of Missouri, upon his being fully satisfied that the commissioner is guilty of the alleged official misconduct.

Act Jan 25, '65,  
§ 1. p. 168.

SEC. 3. The Governor of the State of Missouri, by and with the advice and consent of the Senate, shall, without unnecessary delay, appoint the four commissioners above provided for; and said commissioners shall hold their office, two of them for two years, and two of them for four years, from the first day of January, 1865, and until their successors shall have been appointed and qualified. The Governor shall issue commissions to the per-

sons so appointed, designating the time for which they are severally appointed. And whenever the term of office of any commissioner expires, the appointment of his successor shall be for four years.

SEC. 4. The duties of the board of police, hereby created, shall be as follows: They shall, at all times of the day and night, within the boundaries of the city of St. Louis, as well on water as on land, preserve the public peace; prevent crime, and arrest offenders; protect the rights of persons and property; guard the public health; preserve order at every public election, and at all public meetings and places, and on all public occasions; prevent and remove nuisances on all streets, highways, waters, and other places; provide a proper police force at every fire for the protection of firemen and property; protect emigrants and travelers, at steamboat landings and railway stations; see that all laws relating to elections and to the observance of Sunday, and regulating pawnbrokers, gamblers, intemperance, lotteries and lottery policies, vagrants, disorderly persons, slaves and free negroes, and the public health, are enforced. They shall also enforce all laws and ordinances passed, or which may hereafter be passed, by the common council of the city of St. Louis, not inconsistent with the provisions of this act, or any other law of the State, which may be properly enforceable by a police force. In case they shall have reason to believe that any person within said city intends to commit any breach of the peace, or violation of law or order, beyond the city limits, any person charged with the commission of crime in the city of St. Louis, and against whom criminal process shall have issued, may be arrested upon the same in any part of this State by the police force created or authorized by this act: *Provided, however,* That before the person so arrested shall be removed from the county in which such arrest is made, he shall be taken before some judge or justice of the peace of that county, to whom the papers authorizing such arrest shall be submitted; and the person so arrested shall not be removed from said county, but shall be forthwith discharged, unless such judge or justice of the peace shall approve and endorse said papers. The said police commissioners, or either of them, shall have power to administer oaths or affirmations on the premises to any person appearing or called before them. They shall also have the power to summons and compel the attendance of witnesses before them

Act March 27,  
1861, § 5, p. 140.

whenever it may be necessary for the more effectual discharge of their duties.

*Ibid*, § 6, p. 140.

SEC. 5. To enable the said board to perform the duties imposed upon them, they are hereby authorized and required, as speedily as may be, to appoint, enroll, and employ a permanent police force for the city of St. Louis, which they shall equip and arm as they may judge necessary. The number of policemen to be so appointed and employed, exclusively of officers, shall, at the first organization, be not exceeding the number now employed by the corporate authorities of the city of St. Louis; with power, however, to reduce that number, or increase it, not more twenty-five, as experience may warrant: *Provided, however*, That, for any extraordinary emergencies, the board may raise such additional force as the exigency may, in their judgment, demand. No person shall be appointed or employed as policeman, or officer of police, who shall have been convicted of, or against whom any indictment may be pending for, any offense, the punishment of which may be confinement in the penitentiary; nor shall any person be so appointed who is notoriously of bad character, or who is not a citizen of the United States, or who is not able to read and write the English language, or who does not possess ordinary physical strength and courage. The policemen shall be employed to serve for four years, and be subject to removal only for cause, after a hearing by the board, who are hereby invested with exclusive jurisdiction on [in] the premises. Any policeman whose time of service shall expire, and who, during his appointment, shall have faithfully performed his duty, shall, if otherwise qualified, be preferred by the board in making their new appointments.

*Ibid*, § 7, p. 141.

Act Dec. 12, '63,  
§ 2, p. 156.

Act March 27,  
1861, § 7, p. 141.

SEC. 6. The officers of police shall be as follows: One chief of police, who shall give bond, with security, in the penal sum of twenty thousand dollars, for the faithful performance of his duties; three captains, three lieutenants, not exceeding twelve sergeants, and four turnkeys. They shall be appointed by the board for such time as the board shall determine, and be subject to removal by the board for cause.

*Ibid*, § 8, p. 141,  
as amended by  
act Dec. 12, '63,  
§ 3, p. 156, and  
by act Feb. 18,  
1865, § 1, p. 170.

SEC. 7. The pay of the ordinary policemen shall be seventy-five dollars per month, payable monthly; and in case the board shall appoint detective policemen, which they may do to the

number of five, the detectives shall receive a like sum, payable monthly.

SEC. 8. The officers of the police shall be paid monthly, and their pay shall be as follows: The chief shall receive two thousand dollars a year; each captain, one hundred dollars per month; each lieutenant, eighty-five dollars per month; each sergeant, eighty dollars per month; each turnkey, sixty dollars per month. Ibid, § 9, p. 141, amended as above.

SEC. 9. Whenever any vacancy shall take place in any grade of officers, except the chief, it shall be filled from the next lowest grade, if competent men can be found therein. The board of police are hereby authorized to make all such rules and regulations, not inconsistent with this act, as they may judge necessary, for the appointment, employment, uniforming, discipline, trial and government of the police, and for the relief and compensation of members of the police force injured in person or property in the discharge of their duty, and the families of the officers or men killed while in such discharge of duty: *Provided*, That the allowance shall not exceed, in any one instance, twelve months' pay. The said board shall also have power to require of any officer or policeman, bond, with securities, when they may consider it demanded by the public interest. All lawful rules and regulations of the board shall be obeyed by the police force, on pain of dismissal or such other lighter punishment, either by suspension, fine, reduction, or forfeiture of pay, or otherwise, as the board may adjudge. Ibid, § 10, p. 141.

SEC. 10. No officer of police, or policeman, shall be allowed to receive any money, or gratuity, or compensation, for any service he may render, without the consent of the said board; and all such moneys as any policeman or police officer may be so permitted to receive shall be paid over to the board, and, together with the proceeds of all fines, forfeitures, and unreclaimed property, which may come to the possession of the board, or be recovered by them under the provisions of this act or any other law or ordinance shall form a fund, which the board may apply toward the allowance to policemen, and officers of police, and their families, as hereinbefore authorized, and for extra pay for such members of their force as gallantry and good conduct, on extraordinary occasions, may be adjudged to merit it. Ibid, § 11, p. 141.



*Ibid*, § 12, p. 141.

SEC. 11. The said board shall be, and they are hereby, authorized to provide themselves with such office, and office furniture, and such clerks and other subordinates, as they may need; and to have and to use a common seal. They shall divide the city into the needful number of police districts, and provide in each of them, if necessary, a station-house, or houses, with all things and attendants required for the same, and all such other accommodations as may be required for the use of the police. The said board, for all the purposes of this act, shall have the use of the fire-alarm telegraph of the city [of St. Louis for police purposes, and of all station-houses, watch-boxes, fire-arms, equipments, accoutrements, and other accommodations and things heretofore provided by the city of St. Louis for the use and service of the police, as fully and to the same extent as the same are now and may be used by or for the present police; and the mayor and common council, and all persons and municipal officers in charge thereof, are hereby ordered and required to allow such use accordingly. In case the said mayor and common council of said city, or its officers or agents, refuse or neglect to allow such use, as and when the same shall be required by said board, the said board may apply to the circuit court of the county of St. Louis, in the name of the State, for a mandamus to compel a compliance with the provisions of this section, and the application thereof shall be heard and decided by the court. One week's notice of the application shall be given, and the respondent or respondents shall have the right to answer within the week; and if testimony be needed on either side, the same shall be taken within ten days after the answer is filed or the said week shall have expired. From the decision of the circuit court in the premises, either party may appeal within ten days; and it shall be the duty of the clerk of said court to send up the record immediately, and the appeal shall be heard by the supreme court, if then in session, and if not in session, at the next term. In both courts the case shall be taken up and tried in preference to all others.

*Ibid*, § 13, p. 142.

SEC. 12. It shall be the duty of the sheriff of St. Louis county, whenever called on for that purpose by said board, to act under their control for the preservation of the public peace and quiet, and, if ordered by them to do so, he shall summon

the *posse comitatus* for that purpose, and hold and employ such posse, subject to their discretion. In case the board shall deem it necessary, they shall have authority, in accordance with the laws now in force, or hereafter enacted, to call out such of the military force lawfully organized or existing in the said city, or, as they may see fit, to aid them in preventing threatened disorder or opposition to the laws, or in suppressing insurrection, riot or disorder, at all times. And it shall be the duty of the said military force to obey such directions as may be given them by the said board, whenever the exigency or circumstances may in their judgment warrant it. The said board shall have the power to assume the control and command of all conservators of the peace of the city of St. Louis, whether sheriff, constables, policemen, or others, and they shall act under the orders of the said board, and not otherwise; and in case of the refusal of the said sheriff, or policemen, constables, or other peace officer or person, to obey any lawful command of the said board under the provisions of this section, they shall, respectively, be liable to the penalties following:—that is to say, the said sheriff to a penalty of five thousand dollars; any peace officer to a penalty of five hundred dollars; and any private citizen to a penalty of one hundred and fifty dollars; said penalties to be recovered by said board, by civil action, in the name of the State; and any officer in any military force in the city of St. Louis, organized or existing under the laws of this State, who, being called upon by said board as aforesaid, shall refuse or willfully fail to call out the force under his command, or to obey the directions of said board, or to enforce, by all lawful means, the performance of the duties to said force assigned, shall be liable to a penalty of five hundred dollars; and any inferior officer or private of such force who shall refuse or willfully fail to obey the summons or order of his proper superior, in such behalf issued, shall be liable to a penalty of one hundred and fifty dollars; such penalties to be recoverable as aforesaid.

SEC. 13. So soon as the board created by this act shall hold their first meeting, it shall be their duty to inform the city marshal, the chief of police, the captain of police, and other officers of the police of the city of St. Louis, that they require their attendance upon them, and obedience to their orders; IB., § 14, p. 142.

which attendance the officers so notified shall be bound respectively to give, under a penalty of five hundred dollars each, to be recovered by action at law, instituted by said board in the name of the State, for failure to attend as required, and for each and every failure to obey the lawful order of said board. From and after the first meeting aforesaid, the whole of the then existing police force in the city of St. Louis, both officers and men, shall pass under the exclusive management and control of the said board, and be subject to no other control, and entitled to receive neither orders nor pay (except arrearages then due) from any other authority, and shall so continue; subject, however, to removal or suspension at the discretion of said board, and with the power in said board to fill vacancies, until the said board shall publicly declare that the organization of the police force, created by this act, is complete. Upon such public declaration, and from the time thereof thenceforward, all ordinances of the city of St. Louis are hereby annulled and declared void, so far as they conflict with this act, or assume or confer upon the mayor, or any other person or persons, the power to appoint, dismiss, or in any way or to any extent employ or control any police force organized, or to be organized, under such ordinance, or any of them; and from and after such public declaration, as aforesaid, the police force organized, or which may be organized, under such ordinance, or any of them, shall cease to exist, and all its functions and powers be at an end.

Act Feb. 5, 1864,  
§ 3, p. 158.

SEC. 14. The county of St. Louis shall be chargeable with one-fourth of the whole expenses of the police force of said city of St. Louis, for the year eighteen hundred and sixty-four, and for each year thereafter; and the county court of said county shall, from time to time, appropriate money out of the county treasury to meet that proportion of said expense; and whenever the said board of police commissioners shall need money to meet the expenses of said police force, they shall make requisition upon said county for one-fourth and upon said city for three-fourths thereof.

Act Feb. 5, 1864,  
§ 1, p. 158, as  
amended by act  
Feb. 18, 1865, §  
2, p. 170.

SEC. 15. For the purpose of providing additional means for paying the police force of the city of St. Louis, the board of common council of said city shall levy an additional tax of one-seventh of one per centum on all property in said city, made

taxable by law for State purposes, for the year eighteen hundred and sixty-four, and for each year thereafter; and all moneys collected from such tax shall be set apart as a special fund, to be used for no other purpose.

SEC. 16. It is hereby made the duty of the board of police commissioners annually to estimate what sum of money will be necessary for each current fiscal year, to enable them to discharge the duties imposed upon them, and they shall forthwith certify the same to the board of common council of the city of St. Louis, and the county court of the county of St. Louis; and the common council is hereby required, in the first appropriation ordinance of the fiscal year, to set apart and appropriate, out of the police fund, the amount so certified to them; the whole of such appropriation for police purposes not to exceed the sum of one hundred and seventy-five thousand dollars.

Act March 27,  
1861, § 15, p. 143,  
as amended by  
act Dec. 12,  
1863, § 5, p. 166.

SEC. 17. The said board of police, upon and after having qualified as aforesaid, are hereby authorized to make requisition, from time to time, upon the mayor, auditor, comptroller, or other proper disbursing officer or officers of the corporation of the city of St. Louis, for such sums of money as they may deem necessary for executing their duties under this act; and the sums so required shall be paid, by said proper disbursing officer or officers, out of any moneys in the city treasury not appropriated to pay the interest upon the indebtedness of said city, the expenses of the city hospital and health department, lighting the city with gas, and the amount of ten thousand dollars required to be placed to the credit of the sinking fund: *Provided*, That the amount so required, or drawn, shall not exceed in any one year the amount so as aforesaid certified for that year to the common council aforesaid; and in case the common council shall fail to make such appropriation, or the said disbursing officer or officers shall not forthwith pay over the amount of such requisition as made, it shall be the duty of said board, and they are hereby authorized and required, to issue certificates of indebtedness, in the name of the city of St. Louis, in such amounts as they may deem advisable, for the amount of such requisition respectively, bearing interest at ten per cent. per annum, payable not more than twelve months after date, and signed by a majority of the board; and to raise the money on said certificate, by pledging or

Act March 27,  
1861, § 15, p. 143,  
as amended.



disposing of the same; which certificate shall be receivable at par in payment of all city taxes, and be as binding upon said corporation, and be as recoverable against it, as if the common council of St. Louis had themselves authorized the issuing of said certificates. The common council of the city of St. Louis shall have no power or authority to levy or collect any tax, or appropriate any money, for the payment of any police force other than that to be organized and employed under this act. No officer or servant of the mayor [or] the common council of said city of St. Louis shall disburse any money for the payment of any police force other than that to be organized and employed under this act; and the power of said mayor and common council to appropriate and disburse money for the payment of the police force, to be organized or employed under this act, shall be exercised as in this section directed, and not otherwise. In case the amount as aforesaid to be estimated by the said board shall, from any unforeseen cause, prove insufficient for the necessary expenses of the current year, the said board are hereby authorized and empowered to issue certificates and raise money therefrom, as hereinbefore provided, to meet the exigency: *Provided, however,* That no such additional issue shall exceed the sum of ten thousand dollars in any one year, and that the amount thereof shall be added to the appropriation for the year next ensuing, and that the said certificates shall not be made payable at any earlier day than the first day of November next after the issuing of the same, and shall not be receivable in payment of city taxes earlier than those for the year in which they shall be so payable.

Act March 27,  
1861, § 16, p. 144.

SEC. 18. Any officer or servant of the mayor or common council of the city of St. Louis, or other person whatsoever, who shall forcibly resist or obstruct the execution or enforcement of any of the provisions of this act, providing a permanent police for the city of St. Louis, or relating to the same, or who shall hinder or obstruct the organization of said board of police or the police force hereinbefore provided to be organized, or who shall maintain or control, or attempt to maintain or control, the existing police force of said city, or any part thereof, or any other police force under the ordinances and acts herein and hereby repealed, except as herein provided, shall be liable to a penalty of one thousand dollars for

each and every such offense, recoverable by the board by action of law, in the name of the State; and shall forever thereafter be disqualified from holding or exercising any office or employment, whatsoever, under the mayor or common council of St. Louis, or under this act: *Provided, however*, That nothing in this section shall be construed to interfere with the punishment, under any existing or any future law of this State, of any criminal offense which shall be committed by the said parties in or about the resistance, obstruction, hinderance, conspiracy, combination, or disbursement aforesaid.

SEC. 19. The commissioners of police shall cause all persons arrested by the police to be brought before the recorder of the city of St. Louis, or some justice of the peace within said county, to be dealt with according to law. Ibid, § 17, p. 144.

SEC. 20. The board shall cause a full journal of their proceedings to be kept, and shall also cause all their receipts on disbursements of moneys to be faithfully entered in books to be procured and kept for that purpose; and said journal and all said books, and all other documents in the possession of said board, shall always be open to the inspection of the general assembly of the State of Missouri, or any committee appointed by it for that purpose. It shall be the duty of the board to report to the common council of the city of St. Louis, at each annual session thereof, the number and expense of the police force employed by them under this act, and all such other matter as may be of public interest in connection with the duties assigned them by this act. Ibid, § 18, p. 144.

## CHAPTER XVI.

### *Of the House of Refuge.*

|                                                                      |    |                                                                          |      |
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Act Feb. 28, '55,  
§ 1, p. 113.

SECTION 1. The city [common] council of the city of St. Louis is hereby authorized and directed to erect upon the following described lot of ground or parcel of land—to-wit: block number eighty (80) of the common of St. Louis, according to the survey and plat thereof, made by Charles DeWard—such buildings and improvements, in addition to those now on said land, as may be suitable for a house of refuge for the confinement and reform of juvenile offenders.

Ibid, § 2, p. 113.

SEC. 2. The county court of St. Louis county is hereby authorized and directed to appropriate toward said buildings and improvements the sum of twenty thousand dollars.

Ibid, § 3, p. 113.

SEC. 3. All males under sixteen and females under fourteen years of age, who shall, under existing laws of the State of Missouri, or ordinance of the city of St. Louis, or such as may hereafter be enacted or passed, be liable to confinement in the workhouse of St. Louis city, the county jail of St. Louis county, or the penitentiary of the State of Missouri, may, at the dis-

cretion of the court or magistrate giving sentence, be placed in the said house of refuge; and, when so placed, shall be, until reaching the age of twenty-one years, under the exclusive control of the managers of said house of refuge, according to the regulations hereinafter provided; but if the imprisonment or confinement to which such minor would be liable be only provisional, in order to bring such minor to trial for a supposed offense, or to secure his or her attendance as a witness in a criminal cause, in every such case such minor shall be sent to said house of refuge; and the authority of said board over such minor, arising from such order of commitment, shall cease upon the occurring of the event in respect of which it was made.

SEC. 4. The keeping and expenses of all prisoners committed to said house of refuge, by order of any court of St. Louis county, shall be paid for by the county, according to the rates fixed in the regulations adopted for said house as hereinafter provided. Ibid, § 4, p. 114.

SEC. 5. Any parent or guardian having legal power to apprentice any male child or ward under the age of sixteen years, or female child or ward under the age of fourteen years, who shall, in writing, by him or her signed, represent to the board of managers of said house of refuge that such child or ward is a proper and fit subject for admission into said house of refuge, stating the particular facts which constitute such fitness, and petitioning said managers to take charge of such child or ward, may be examined in relation thereto by said board of managers, who are authorized to receive all such children or wards at their discretion. The expenses of such child or ward shall be, before such reception, secured to be paid by the parent or guardian, unless in case where the managers, for good cause, shall otherwise determine; and in all cases where such payment is ordered to be made by such parent or guardian, it shall be according to rates fixed in general regulations hereinafter provided for. Ibid, § 5, p. 114.

SEC. 6. In the case of every minor committed to or received in said house of refuge, such minor shall, until reaching the full age of twenty-one years, be under the entire control of the managers of said house. Ibid, § 6, p. 114, repealed act March 14, 1859, § 1, p. 132, re-enacted act March 23, 1863, § 1, p. 154

SEC. 7. The circuit court, the court of common pleas, the land court, the county court, and the criminal court of St. Louis Ibid, § 7, p. 114.



county, or the judges of any of said courts, in vacation, shall have exclusive jurisdiction of all writs of habeas corpus for the discharge of any minor confined in said house of refuge, and no other court or magistrate in St. Louis county shall have jurisdiction to issue or take cognizance of any such writ, or any proceeding thereunder tending to such discharge, except in the case of there being in St. Louis county no such court or magistrate as those above mentioned, to whom exclusive jurisdiction is confided, able to issue or hear such writ at the time it is sought for; and in every case wherein application be made to any court or magistrate, not having such exclusive jurisdiction, for a writ of habeas corpus for the discharge of any person alleged to be confined in or at said house of refuge, or by virtue of the order of the managers thereof, every fact necessary to give jurisdiction to such court or magistrate shall be distinctly shown in the application and verified by affidavit of the applicant, or his or her agents.

Ibid, § 8, p. 114, repealed act March 14, 1859, § 2, p. 132, re-enacted act March 23, 1863, § 1, p. 154.

SEC. 8. All males under sixteen and all females under fourteen years of age, in St. Louis county, charged with any crime or misdemeanor, or punishable by imprisonment, shall be entitled to and shall have a private examination and trial, to which only the parties to the case shall be admitted, unless the parent or guardian of such minors demand a public trial.

Ibid, § 9, p. 114, as amended by act March 14, 1859, § 3, p. 128.

SEC. 9. The said house of refuge, its officers and inmates, shall be under the control of the board of managers, hereinbefore mentioned, who shall consist of nine members, whereof one shall be the mayor for the time being of the city of St. Louis; two shall be appointed by the county court of St. Louis county; four shall be members of the city [common] council for the time being, to be chosen by the said board of common council; and two shall be appointed by the mayor of the city of St. Louis from the citizens at large, and approved by the board of common council. They shall hold their office for a period of one year, and a majority of said board of managers shall be a quorum for the transaction of any business, or the exercise of any power herein conferred upon said board; said board shall choose a chairman, and shall have at least one stated meeting in each month.

Ibid, § 10, p. 114.

SEC. 10. Said board of managers of said house of refuge

shall have power and authority: *First*, to make all needful contracts for said house of refuge; *second*, to make, establish, alter, and enforce all needful regulations for the government and control of said house of refuge, its officers and inmates; *third*, to issue a writ, directed to any sheriff, marshal, or constable of the State of Missouri or any municipality or county thereof, for the recapture of any fugitive from said house of refuge; such writ shall be in the name of the State of Missouri, may be signed by any two of said board of managers, and shall, thereupon, be of legal and valid force; *fourth*, to make all needful by-laws for the government of said house of refuge; *fifth*, to employ and appoint such officers as may be needful, and fix their salaries; *provided*, that no member of said board shall at any time receive, directly or indirectly, any compensation for any services by him rendered to said institution; *sixth*, to apprentice any inmate of said house of refuge until the time when such inmate shall reach the age of twenty-one years, if a male, and eighteen years, if a female; *seventh*, to discharge any inmate of said house of refuge.

SEC. 11. All debts contracted by said house of refuge shall be discharged by the city of St. Louis; and the city of St. Louis shall have power to sue for and recover any debt due, or damages accruing to, said house of refuge. Ibid, § 11, p. 115.

SEC. 12. Said board shall keep a record of their proceedings, and shall report, on the first Monday of May in each year, to the city council of the city of St. Louis, the fiscal affairs, management, and condition of the said house of refuge. Ibid, § 12, p. 115.

SEC. 13. The mayor and city council of St. Louis, the judge of the county court of St. Louis county, or the grand jury of the county of St. Louis, may at any time visit and inspect the said house of refuge, and examine the records and books of account of said board. Ibid, § 13, p. 115.

SEC. 14. Every child found in said city in a state of want, or abandoned, or improperly exposed, or grossly neglected by its parents, or persons having its charge; or soliciting charity from door to door, or in any street, or highway, or public place; and every child of any person in said city convicted of being a common prostitute, or keeper of a bawdy house, or house of resort for prostitutes, or of assignation, and every child found in such Ibid, § 14, p. 115,  
as amended by  
act March 14,  
1859, § 3, p. 128.

houses, may be committed to said house of refuge by the mayor or by the recorder of said city, or by any two members of the common council, or by any two justices of the peace of said city, upon complaint and competent proof of the facts charged; and, when so committed, shall be kept and be under the control of the managers of said house, as provided in section sixth of this act.

Act March 23,  
1863, § 2, p. 154.

SEC. 15. The city of St. Louis shall have no power, without authority given by general assembly, to sell, encumber, lease, or convey, the north half of block No. 80 of the common of St. Louis, according to the survey and plat thereof made by Charles DeWard, being the same property on which said house of refuge stands; but the same shall be and remain dedicated to the use of said house of refuge forever, unless the said general assembly shall, by law, otherwise direct.

Ibid, § 3, p. 155.

SEC. 16. The county court of St. Louis county is hereby authorized to appropriate, from the county treasury of the said county, each year, the sum of three thousand dollars, or more, in their discretion, to aid in the support of said house of refuge; the same to be paid to the treasurer of said house of refuge, or such other person as may be authorized by the board of managers to receipt for the same, and to be paid in regular quarterly payments.

Act Feb 20, 1865,  
§ 1, p. 173.

SEC. 17. The city of St. Louis and the county of St. Louis, by their several corporations, the common council of the city of St. Louis, and the county court of the county of St. Louis, are hereby authorized to issue, each, its several bonds of and for the sum of fifty thousand dollars, in sums of one thousand dollars each bond, coupons attached, with interest at the rate of six per centum per annum, payable annually in the city of New York, such bonds to be due and payable ten years after date; the proceeds of such bonds to be applicable solely to the rebuilding and furnishing of the house of refuge, in the county of St. Louis, lately destroyed.

Ibid, § 2, p. 173.

SEC. 18. The common council of the city of St. Louis, and the county court of the county of St. Louis, are, each of them, hereby authorized to control and manage the proceeds of these bonds, and to provide such agencies for the carrying out of the objects of the issue of the bonds as, in their judgment and joint action, shall be most effectual for the purpose; it being the intent

and purpose of this act to authorize each of these corporations to provide all details in connection with the form, issue, and negotiation of the bonds, by their court and council, as to them may seem fit, in accordance with the provisions of this act.

## CHAPTER XVII.

### *Of the Prevention of Riots and Breaches of the Peace.*

|                                            |               |                                                 |             |
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| penalty for.....                           | 1             | penalty for refusing to assist                  | 6           |
| <i>Bar-rooms</i> , mayor may close,        |               | penalty for disobeying.....                     | 7           |
| when.....                                  | 17            | penalty against for refusing to                 |             |
| <i>City</i> , liable for damages from riot | 13            | act.....                                        | 8           |
| may recover from trespassers..             | 13            | power of to command minors                      |             |
| when not liable for damages...             | 14            | to remain in doors.....                         | 16          |
| <i>Common council</i> , duty of mem-       |               | power of to close drinking-                     |             |
| bers of to disperse riots.....             | 5             | shops, etc.....                                 | 17          |
| power of to punish minors.....             | 18            | penalty for violating proclama-                 |             |
| <i>Conservators of peace</i> , duty of to  |               | ation of.....                                   | 17          |
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| penalty for disobeying.....                | 7             | penalty against.....                            | 16, 18      |
| penalty against, for refusing              |               | <i>Posse comitatus</i> , how and when           |             |
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| <i>Coroner</i> , duty of to disperse       |               | <i>Riot</i> , offense of described.....         | 3           |
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| <i>Drinking-shops</i> , mayor may cause    |               | duty of certain officers to dis-                |             |
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| <i>Intoxicating liquors</i> , mayor may    |               | who liable for damages from, 12, 13             |             |
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| of proclamation.....                       | 17            | penalty for disobeying.....                     | 7           |
| <i>Justices of the peace</i> , duty of to  |               | penalty against for refusing to                 |             |
| disperse riots.....                        | 5, 9          | act.....                                        | 8           |
| penalty for refusing to assist...          | 6             | <i>Taxes</i> , parties delinquent in not        |             |
| penalty for disobeying.....                | 7             | entitled to damages.....                        | 14          |
| penalty against for refusing to            |               | <i>Unlawful assemblage</i> , offense of         |             |
| act.....                                   | 8             | described.....                                  | 2           |
| <i>Marshal</i> , duty of to disperse riots | 5, 9          | penalty for.....                                | 2           |
| penalty for refusing to assist...          | 6             | who may be punished for.....                    |             |
| penalty for disobeying.....                | 7             | .....                                           | 4, 6, 7, 11 |
| penalty against, for refusing              |               | duty of certain officers to dis-                |             |
| to act.....                                | 8             | perse.....                                      | 5, 9        |
|                                            |               | who liable for damages from 12, 13              |             |

SECTION 1. If two or more persons shall, voluntarily or by agreement, engage in any fight, or use any blows of violence toward each other, in an angry or quarrelsome manner, or do each other any willful mischief, or if any person assault another, and strike him, in any public place, to the terror or disturbance of

Act March 5,  
1855, § 1, p. 110.



others, the person or persons so offending shall be deemed guilty of an affray; and, on conviction, shall be punished by being imprisoned in the county jail for a term not exceeding three months, or by fine not exceeding one hundred dollars, or by both such fine and imprisonment.

*Ibid.*, § 2, p. 110.

SEC. 2. If three or more persons shall assemble together with the intent, or, being assembled, shall agree mutually to assist one another, to do any unlawful act, with force or violation, against the person or property of another, or against the peace, or to the terror of the people, such persons so assembling, and each of them, shall be deemed guilty of an unlawful assembly; and, on conviction thereof, shall be punished by imprisonment in the county jail for a term not exceeding six months, or by fine not exceeding five hundred dollars, or by both such fine and imprisonment.

*Ibid.*, § 3, p. 110

SEC. 3. If three or more persons, being assembled as mentioned in the second section of this act, shall proceed to carry out or accomplish their purpose, or do any unlawful act in furtherance, or supposed furtherance, of said purpose, in a violent, unlawful or tumultuous manner, to the terror or disturbance of peaceful citizens, every person so offending, or who shall aid or assist in doing any such unlawful act, shall be deemed guilty of a riot; and, being convicted thereof, shall be punished by imprisonment in the penitentiary of the State of Missouri for a period not exceeding five years, or by a fine not exceeding two thousand dollars, or by both such fine and imprisonment: *Provided*, That nothing in this section contained shall be construed to exempt any person offending against its provisions from any higher or heavier punishment annexed by law to any felony which may be committed by such rioter.

*Ibid.*, § 4, p. 111.

SEC. 4. Any individual engaged in such riot may be indicted and punished singly.

*Ibid.*, § 5, p. 111.

SEC. 5. If twelve or more persons, armed with clubs, stones, or other dangerous weapons, or if any number of armed or unarmed persons, exceeding twenty, shall unlawfully, riotously, or tumultuously assemble in the city of St. Louis, it shall be the duty of the mayor and each member of the board of common council, and of the sheriff, coroner, and marshal, and their respective deputies, of the county, and of each justice of the peace,

including every person who is, by virtue of his office, a conservator of the peace of the State, to go among such persons so assembled, or as near to them as may be consistent with safety, and to command all such persons so assembled to disperse immediately and repair to their respective places of business or abode; and, if such command be not forthwith obeyed, to proceed to arrest all persons so refusing or failing to obey such command; and to command all bystanders or spectators to aid and assist in making such arrests.

SEC. 6. Every person so commanded to assist in making such arrests, and failing or refusing to assist as required, and every person who shall fail to disperse forthwith, on being commanded as aforesaid, shall be deemed to be one of such unlawful assembly; and, on conviction thereof, shall be punished by fine not exceeding five hundred dollars, or imprisonment for a term not exceeding one year, or by both such fine and imprisonment. Ibid, § 6, p. 111.

SEC. 7. Should the persons so assembled, as described in the fifth section, make a noise and clamor, so that the voices of the officers commanding them to disperse cannot be heard or distinguished, all persons so clamoring, and all persons standing with, by, or among such persons, shall be deemed to have full notice of the command to disperse, and shall, on failure to do so forthwith, be punishable as for a willful refusal to obey such command. Ibid, § 7, p. 111.

SEC. 8. Any magistrate or officer mentioned in section five of this act who shall be informed or have notice of such riotous assemblies, and who shall refuse or neglect to perform his duties imposed on him by said fifth section in that behalf, shall be, on conviction, adjudged guilty of a misdemeanor in office, and punished by a fine not exceeding five hundred dollars. Ibid, § 8, p. 111.

SEC. 9. If the persons assembled as indicated in the fifth section of this act shall fail to disperse without unnecessary delay, the following magistrates shall each, in the order in which they are hereinafter named, have power and authority to require the aid of a sufficient number of persons, in arms or otherwise, and to proceed, as they may deem expedient, to repress and disperse such riotous assemblage, and arrest offenders; that is to say, the duty of requiring the aid of such force and directing its employment shall devolve, in the first instance, on the mayor of Ibid, § 9, p. 111.

the city; and if he be not present or not able to act, then the judge of any court of record, the sheriff, the marshal, the coroner, or any two justices of the peace. In case of the absence of any of the officers mentioned in this section, the officer named after him herein shall have all the power and authority which such absentee would have had if present.

*Ibid.*, § 10, p. 111.

SEC. 10. Such force, armed or unarmed, summoned as provided in the preceding section, and all persons co-operating with them, shall obey such orders for the suppression of such riot as they may receive from the magistrate, or any of them, to whom authority to require their aid is given by the ninth section of this act.

*Ibid.*, § 11, p. 112.

SEC. 11. If, by reason of the efforts made by any of such magistrates and officers, or persons co-operating with them, to suppress such riotous assembly or arrest those engaged in the same, any person so engaged in such riotous assembly, or giving aid or countenance thereto, or who may have refused to disperse, although the number of such persons may be reduced to less than twelve, or any person or persons present as spectators or otherwise, be killed, wounded, or otherwise hurt, such magistrate and officers, and all persons acting with them by order of such magistrates or officers, as defined in said ninth section, shall be held guiltless and justified in law; but if any such magistrate, officer, or person acting under their orders or directions, or co-operating with them, be killed or wounded by reason of resistance to such efforts to disperse and repress such riotous assemblage, all persons so notoriously assembled, and not dispersing after command, and all persons standing by and not aiding to disperse and repress such riotous assemblage, shall be answerable therefor as for willful and deliberate felony or misdemeanor, according as the injury committed be homicide, mayhem, or any less injury.

*Ibid.*, § 12, p. 112.

SEC. 12. All persons forming part of an unlawful and riotous assemblage shall be liable to any person damaged in person or property by the acts of such unlawful assemblage.

*Ibid.*, § 13 and 14,  
p. 112, as amended  
by act Dec.  
5, 1855, § 1, p.  
119.

SEC. 13. The city in which such trespass may be committed shall be liable to pay the person whose property shall be injured or destroyed thereby, three-fourths of the value thereof or the damage thereto. The city paying such damages to the party

injured by such riotous assemblage may recover the same, with ten per centum added thereto, besides interest and costs, of any person or persons engaged as a participant in such riotous assemblage, by action of debt or civil suit analagous thereto, at any time thereafter.

SEC. 14. The city shall not be made liable, under the provisions of the thirteenth section of this act, for the damages or destruction of property of the following description: *First*, property contained in any building or place, the occupant of which is carrying on business there, or engaged in a calling or avocation, in violation of any law of the State of Missouri or the United States, or ordinance of the city; *second*, all property, of whatever description, belonging to a person who may have been in any way contributory to, or instrumental in, bringing on such riotous assemblage; *third*, nor shall the city of St. Louis be liable to any action for the destruction of any property by a mob, in favor of any person who, at the time of such destruction, is delinquent in the payment of any taxes due the said city.

SEC. 15. No person having such a demand or claim against the city as is mentioned and provided for in section thirteen shall be allowed to assign or transfer the same at any time before the return day of the execution, issued upon a judgment obtained therefor; and any attempt to assign or transfer the same, or any part thereof, shall be and shall operate a satisfaction and discharge of such demand or claim, so far as any recourse against the city, under section thirteen of this act, is concerned; but not as against any person composing the riotous assemblage committing the trespass.

SEC. 16. The mayor, being apprehensive of a riot or riotous assemblage within such city, may, by proclamation, require all minors to keep within doors for any length of time not exceeding three days, during that period of each astronomical day of twenty-four hours which intervenes between the end of one hour after sunset and the beginning of one hour before sunrise; and all minors offending against such proclamation may be forthwith arrested, and on conviction may be imprisoned in the house of refuge of such city, or other safe place of confinement, to be prescribed by ordinance of such city, for a period not exceeding thirty days.

Act March 5,  
1855, § 15, p. 112,  
as amended by  
act Dec. 5, 1855,  
§ 2, p. 119, and  
act May 13,  
'61, § 14, p. 146.

Act March 5,  
1855, § 16, p. 112.

Ibid, § 17, p. 112.



*Ibid.*, § 18, p. 113.

SEC. 17. The mayor may, by proclamation, cause all drinking shops, bars, and other places where intoxicating liquors or drinks are customarily sold, given or dispensed, to be closed, for any period of time not exceeding thirty-six hours, upon any election for officers of the city, State, county, or of the United States; and may also, by proclamation, forbid all persons to sell, give, lend, barter, or otherwise dispense or distribute, intoxicating drinks or liquors during the same period of time, within the city, or within one mile of its corporate limits; and any person disobeying such proclamation, and each and every person aiding, obtaining or co-operating with him, shall be immediately arrested and proceeded against by indictment; and, on conviction shall be punished by imprisonment in the county jail for a term not exceeding one year, or by fine not exceeding five hundred dollars, or by both such fine and imprisonment.

*Ib.* § 19, p. 113.

SEC. 18. The common council may, by ordinance, direct the mode of proceeding against minors for a violation of section sixteen of this act, and may vary the punishment, so that they do not affix to the simple offense of disobeying said sixteenth section a greater punishment than a fine not exceeding one hundred dollars, or an imprisonment in the house of refuge not exceeding six weeks, or by both such fine and imprisonment.

## CHAPTER XVIII.

### *Of Street Railroads.*

|                                                                 |          |                                                       |        |
|-----------------------------------------------------------------|----------|-------------------------------------------------------|--------|
| <i>Bellefontaine railway company, incorporated</i> .....        | 21       | <i>Gravois road railroad company, confirmed</i> ..... | 15     |
| <i>Bremen and cemetery railroad company, incorporated</i> ..... | 21       | may use certain streets.....                          | 15, 16 |
| <i>Citizens' railway company, confirmed</i> .....               | 8        | not required to build branch on Arsenal street.....   | 15     |
| prohibited from conveying freight.....                          | 8        | to carry no freight at certain hours.....             | 16     |
| reports of, how made.....                                       | 8        | <i>Lindell railway company, incorporated</i> .....    | 21     |
| not to construct double track on certain streets.....           | 18       | <i>Missouri railroad company, confirmed</i> .....     | 8      |
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| prohibited from raising fare...                                 | 7        | reports of, how made.....                             | 8      |
| prohibited from dividing roads                                  | 7        | may build branch road to fair grounds.....            | 13     |
| prohibited from reducing fare                                   | 10       | may extend road to king's highway.....                | 13     |
| <i>Compton hill railroad company, confirmed</i> .....           | 14       | may lay track on certain streets.....                 | 19, 20 |
| <i>Fair grounds, certain roads may be built to</i> .....        | 13       | to relinquish certain rights.....                     | 21     |

|                                                                                  |          |                                                                      |    |
|----------------------------------------------------------------------------------|----------|----------------------------------------------------------------------|----|
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| <i>People's railway company, confirmed.....</i>                                  | 8        | <i>common council not to divide gauge of fixed.....</i>              | 8  |
| <i>to carry no freight.....</i>                                                  | 8        | <i>certain streets exempt from.....</i>                              | 9  |
| <i>reports of, how made.....</i>                                                 | 8        | <i>on what streets to be laid.....</i>                               | 10 |
| <i>may extend road to certain point.....</i>                                     | 13       | <i>may construct certain tracks and switches.....</i>                | 9  |
| <i>School fund, proceeds of certain sales to go to.....</i>                      | 5        | <i>when to construct double tracks.....</i>                          | 11 |
| <i>Seventeenth street branch railway, authorized as independent company.....</i> | 21       | <i>St. Louis railroad company, confirmed.....</i>                    | 8  |
| <i>Street railroad companies, certain costs to be paid to.....</i>               | 6        | <i>to carry no freight.....</i>                                      | 8  |
| <i>may surrender franchises.....</i>                                             | 3        | <i>reports of, how made.....</i>                                     | 8  |
| <i>mayor may sell franchises of proceeds of sale, how applied</i>                | 4        | <i>may extend their road.....</i>                                    | 12 |
| <i>not liable for certain injuries...</i>                                        | 17       | <i>may build branch road to fair grounds.....</i>                    | 13 |
| <i>Street railroads, powers of common council over.....</i>                      | 1, 2, 10 | <i>Tower Grove and Lafayette railroad company, incorporated</i>      | 21 |
| <i>provisions for sale of.....</i>                                               | 4, 5, 6  | <i>route of amended.....</i>                                         | 21 |
|                                                                                  |          | <i>Union railway company, authorized.....</i>                        | 21 |

SECTION 1. The city [common] council of the city of St. Louis shall have full power, with the approval of the mayor, to determine all questions arising with reference to street railroads in the corporate limits of said city, whether such questions may involve the incorporation of companies to construct such street railroads, granting the right of way, or regulating and controlling any such railroads after their completion. Act Feb. 15, 1864, § 1, p. 161.

SEC. 2. The city [common] council of said city, with the approval of the mayor, shall have full power to sell the right of way for such street railroads to the highest bidder, having given at [least] one month's notice thereof in the newspapers published in said city; the proceeds of such sale or sales to be applied to the benefit of the common schools within the limits of said city. Further power is hereby given to tax the stock or other property of street railroad companies, in all cases not contravening existing laws. Ibid, § 2, p. 161.

SEC. 3. Any street railroad company in the city of St. Louis, feeling its inability or indisposition, from pecuniary loss, to carry forward the business at present rates of fare, may notify the mayor of said city of such indisposition, and surrender thereby all their chartered rights and franchises within three months from the passage of this act. Act Feb. 16, 1865, § 1, p. 169.

SEC. 4. The mayor may immediately proceed to dispose of said franchises by public sale, after proper notice, by publication, Ibid, § 2, p. 169.

of time and place of said sale, and shall sell the same to the highest bidder.

*Ibid*, § 3, p. 169. SEC. 5 The proceeds of the sale of said franchises shall be applied to the public school fund of said city.

*Ibid*, § 4, p. 169. SEC. 6. The purchaser shall pay the late company, for the railroad and track, the first cost of said bed and track; and for the rolling stock and stables, such sum as may be appraised by disinterested appraisers, selected by both parties for that purpose.

*Ibid*, § 5, p. 169. SEC. 7. The city [common] council of St. Louis shall have no power to increase the rates of fare on said roads, nor shall they have the right to divide or separate the lines of said roads in such manner as will increase the fare.

Act Jan. 16, 1860,  
§ 1, p. 134. SEC. 8 The St. Louis railroad company, the Missouri railroad company, the People's railway company, and the Citizens' railway company, as heretofore organized under the "Act to authorize the formation of railroad associations, and to regulate the same," approved December 13, 1855, are hereby ratified and confirmed in their respective rights under said law; and the roads now built or commenced, and the gauge of track established by said companies, are sanctioned, and said gauge of four feet ten inches is hereby recognized as the legal gauge of all other street railroads that may be built in the city and county of St. Louis; said companies shall conform to and be governed by said law concerning railroad associations, except as follows: *First*, said companies shall not be required to carry freight; *second*, the report made to the city comptroller shall be in lieu of the annual report required to be made to the secretary of State by the laws under which said companies organized.

*Ibid*, § 2, p. 134, amended and affected by act March 27, 1861, § 3, p. 146; also, act Jan. 21, 1863, §§ 1, 2 and 3, p. 149, and the several acts incorporating railroad companies subsequently, which see. SEC. 9. The rights confirmed to said companies shall not extend to or authorize the building by them of any road or roads on Clark avenue, Chesnut street, Pine street, Locust street, or Washington avenue, which streets are hereby reserved from such use, and all railroad tracks are forever prohibited on the streets named in this section; and, in lieu of the track on Pine street, the Missouri railroad company may run the cars of their road, on Eleventh and Benton streets, over the Olive-street road; and the Citizens' railway company may run the cars of their roads, heretofore authorized by the council, in connection with Washington

avenue, over their Morgan-street road; and said companies may each construct two additional switches, and a side track not exceeding one hundred and seventy feet in length, to enable the cars to so run on Olive and Morgan streets; the switches on Morgan street may be east of the double track contemplated to be built.

SEC. 10. No street railroad shall hereafter be constructed in the city of St. Louis nearer to a parallel road than the third parallel street from any road now constructed, or which may hereafter be constructed, except the roads hereinbefore mentioned; and, in consideration of the privileges herein granted, the city of St. Louis is hereby expressly empowered to impose and levy such tax and license upon said roads now constructed, or that may hereafter be constructed, as the common council of said city may determine to be just and proper; and the said city may make such municipal regulations concerning said street railroads as the public interest and convenience may require, except to reduce the rate of fare charged by said companies as now fixed by ordinance of the city of St. Louis. Ibid, § 3, p. 131.

SEC. 11. Any company now using a single-track road, with turn-outs, upon any street or part of street, may change the same to a double track at any time: *Provided*, They shall first obtain the consent, in writing, of the owners of a majority in interest of the property fronting on the street or part of street desired to be so changed. But this provision shall not apply to that part of Olive street between Fourth and Twelfth streets, unless the majority in interest of that part of the street give their written consent that a double track may be constructed on said part of Olive street. Ibid, § 4, p. 134.

SEC. 12. The St. Louis railroad company may extend their road north from Salisbury street, along Broadway and Bellefontaine road, to the city limits; and may further extend the same to the Bellefontaine cemetery and the Calvary cemetery; and south from Gate street, along the Carondelet road, to the city limits; and may further extend said road, through the St. Louis commons, to or through the city of Carondelet: *Provided*, That before such extension is made through any road or avenue outside the city, the consent of the board of county commissioners shall be obtained, and the consent of the city council of Ibid, § 5, p. 135.



Carondelet shall be obtained before running through any street of that city.

*Ibid*, § 6, p. 135.

Act Feb, 15,  
1864, § 1, p. 167.  
Act Jan. 16, '60,  
§ 6, p. 135.

SEC. 13. The St. Louis railroad company may build a branch road to the fair grounds, along Bremen avenue and other connecting streets, or by such other route as they may select, by the consent of the common council, after first obtaining the consent of a majority in interest of the property holders on the route selected: and the Missouri railroad company may build a branch road from their terminus on Benton street, at Eighteenth street, to the fair grounds, by such route as they may select; *provided*, they first obtain the written consent of the majority in interest of the property holders on the route selected: and the People's railway company may extend their road from St. Ange avenue, along Chouteau avenue, to the point where the Pacific railroad crosses said Chouteau avenue; *provided*, the same is constructed before the first day of February, 1866: and the Missouri railroad company may extend their road, from the junction of Olive street and Grand avenue, to the king's highway, with the consent of the property owners where the road runs.

Act January 16,  
1860, § 7, p. 135.

SEC. 14. The privileges heretofore granted by the city of St. Louis to Stephen D. Barlow, James B. Eads, F. L. Ridgeley, and their associates, under the name of the "Compton Hill railroad company," are hereby confirmed: *Provided*, They shall organize and commence their road within six months after Lafayette avenue is graded, and complete the same within twelve months thereafter to Grand avenue; and said company may extend their road west to Shaw's botanical garden.

Act March 27,  
1861, § 1, p. 146.

SEC. 15. The Gravois railroad company, as authorized by the common council of St. Louis, may construct their road: *Provided*, They shall commence the construction of the same within six months, and finish the same within two years, after Eighth and Ninth streets shall be fully opened, graded, and improved, as far south as Park avenue; *and provided further*, that said company may connect their road from the termination of Decatur street, eastwardly, along Park avenue to Eighth street; and thence northwardly, along Eighth street, to the line authorized by said common council, unless the said company shall fail to make a satisfactory agreement with the Pacific railroad company as to the crossing of her track on Eighth street; then, in that event, said

company may turn their track westwardly from Eighth street, along Gratiot street, to Ninth street; thence along Ninth to Chesnut street; and thence along Chesnut to Fifth street; *and provided further*, that said company shall not be required to construct a branch on Arsenal street, and shall not be permitted to lay their track on Chesnut street east of the eastern line of Fifth street.

SEC. 16. The privilege herein granted of constructing said road on Chesnut street, between Ninth and Fifth streets, shall be continued on the consent of a majority of the owners of real estate on that portion of the road; and the evidence of such consent, on the part of such owners, shall first be filed in the office of the city register, and shall have attached thereto the certificate of the city engineer that the persons named constitute or represent a majority of the owners of real estate fronting on Chesnut street, between Ninth and Fifth: *Provided, however*, That no coal or other freight shall be carried on said road northwardly beyond the line of Cerre street, nor between the hours of sunrise and sunset in the daytime. Ibid, § 2, p. 146

SEC. 17. Said railroad companies shall not be liable for injuries to persons occasioned by their getting on or off the cars at the front or forward end of the car. Act Jan. 16, 1860,  
§ 9, p. 135.

SEC. 18. Nothing in this act shall be construed as authorizing the Citizens' railway company to construct a double-track road on Franklin avenue, without the written consent of a majority in interest fronting that portion of the street where such double track may run. Ibid, § 10, p. 134.

SEC. 19. The Missouri railroad company are hereby authorized to lay a railroad track in the city of St. Louis, along Sixth street, from Market to Chesnut street; thence westwardly, along Chesnut street, to Nineteenth street; thence southwardly, along Nineteenth street, to Market street; thence westwardly, along Market street, to Adolph street; thence southwardly, along Adolph street, to Clark avenue; thence westwardly, along Clark avenue, to Summit avenue; thence northwardly, along Summit avenue, to Market street, or Manchester road; thence eastwardly, along said road, to connect with the track now laid along said road. Act Jan. 21,  
1863, § 1, p. 149.

SEC. 20. Until such time as Chesnut street shall be graded and macadamized from Eighteenth to Nineteenth street, the said Ibid, § 2, p. 149.

railroad company is authorized to lay a track along Eighteenth street, from Chesnut street, to connect with the track now, or to be, laid on Market street. The track in Adolph street, Clark avenue, Summit avenue, and Market-street road, shall be laid within six months after the same shall have been graded and macadamized. The said company is hereby authorized to lay a track, connecting with tracks now laid on Market and Olive streets, along any street west of Eighteenth street.

*Ibid*, § 3, p. 149. SEC. 21. The foregoing authority [two preceding sections] is granted to said company: *Provided*, It relinquishes the right to lay a double track along Market street, granted by an act of the general assembly of the State of Missouri, approved January 16, 1860; *and provided further*, that the said company shall take up the switches now laid in Market street, so soon as the tracks herein authorized to be laid shall have been made available for use.

Act Jan. 26, 1864, p. 156. For charters of further companies, see "An act to establish the Lindell railway company;"

Act Feb. 8, 1864, p. 159. "An act to incorporate the Bellefontaine railway company of St. Louis;"

Act Nov. 23, 1863, p. 155. "An act to consolidate certain roads;"

Act Feb. 15, 1864, p. 166. "An act incorporating the Tower Grove and Lafayette railroad company of St. Louis;"

Act Feb. 15, 1865, p. 169. "An act to amend an act entitled 'An act incorporating the Tower Grove and Lafayette railroad company of St. Louis,' approved February 15, 1864;" and

Act Feb. 20, 1865, p. 171. "An act to incorporate the Bremen and Cemetery railroad company."

## CHAPTER XIX.

### *Of Bills of Mortality.*

|                                                                    |               |   |                                                         |               |   |
|--------------------------------------------------------------------|---------------|---|---------------------------------------------------------|---------------|---|
| <i>Clerk of board of health, interments to be reported to.....</i> | $\frac{1}{2}$ | 1 | <i>Physicians, to certify death of patients.....</i>    | $\frac{1}{2}$ | 4 |
| <i>Certificates of death, what to contain.....</i>                 | 2             | 4 | <i>penalty against for failing to certify .....</i>     |               | 4 |
| <i>Interments, sextons to report.....</i>                          | 1             |   | <i>Sextons, to report weekly,.....</i>                  |               | 1 |
| <i>Overseers of graveyards, to report interments .....</i>         | 1             |   | <i>to permit no interment without certificate .....</i> |               | 2 |
| <i>to permit no interment without certificate .....</i>            | 2             |   | <i>penalty against for failing to report .....</i>      |               | 3 |
| <i>penalty against for failing to report .....</i>                 | 3             |   |                                                         |               |   |

SECTION 1. All overseers, sextons, or other persons, who may have control of public graveyards in, adjoining, or within four miles of, the city of St. Louis, shall make a weekly report to the clerk of the board of health of the city of St. Louis of all interments during the week in the graveyard whereof they are such overseer or sexton, respectively. Said report shall specify the names and ages of the persons interred, and also the diseases of which said persons died, sex, color, and if slave or free.

Act Feb. 25, 1843, § 1, p. 70, as amended by Act Nov. 18, 1857, p. 124.

SEC. 2. If any overseer, sexton, or other person, having control of a graveyard, shall permit any person to be interred in said graveyard without a certificate stating the name, age, sex, color, and if free or slave, together with the disease of which said person died, which certificate shall be signed by the physician who attended said person, he shall forfeit and pay the sum of five dollars for every such neglect, to be recovered before any justice of the peace, in the name and to the use of the city of St. Louis, at the instance of the clerk of the board of health of St. Louis,

Act Feb. 25, 1843, § 2, p. 70.

SEC. 3. If any overseer, sexton, or other person, fail or neglect to make to the clerk of the board of health such report of weekly interments, he shall forfeit and pay five dollars for every such failure, to be recovered as above.

Ibid, § 3, p. 71, as amended by act Nov. 18, 1857, p. 124.

SEC. 4. For the purpose of carrying the above into effect, every physician who may practice medicine in St. Louis and suburbs, shall, when a patient dies under his care, make out a certificate, stating the name, age, sex, color, and if slave or free, together with the name of the disease of which said person died; and if any physician, on application, refuse to make out such certificate, he shall forfeit and pay five dollars to the use of the city of St. Louis, to be recovered before any justice of the peace of St. Louis county, at the instance of the clerk of the board of health.

Act Feb. 25, 1843, § 4, p. 71

## CHAPTER XX.

### *Of Public Parks.*

|                                                                  |                   |                                                            |          |
|------------------------------------------------------------------|-------------------|------------------------------------------------------------|----------|
| <i>Assessor, duties of concerning Lafayette park tax.....</i>    | <i>24</i>         | <i>Board of park commissioners, general duties of.....</i> | <i>3</i> |
| <i>Board of improvement of Lafayette park, how composed.....</i> | <i>20</i>         | <i>who to be members of.....</i>                           | <i>4</i> |
| <i>duties and powers of.....</i>                                 | <i>21, 27, 28</i> | <i>common council to elect.....</i>                        | <i>4</i> |
| <i>Board of park commissioners, when to organize.....</i>        | <i>3</i>          | <i>term of office of.....</i>                              | <i>4</i> |
| <i>created .....</i>                                             | <i>3</i>          | <i>when to organize.....</i>                               | <i>5</i> |
|                                                                  |                   | <i>to acquire land for park.....</i>                       | <i>5</i> |



|                                            |        |                                          |          |
|--------------------------------------------|--------|------------------------------------------|----------|
| <i>Board of park commissioners,</i>        |        | <i>Lafayette park, tax for improve-</i>  |          |
| proceedings of in acquiring                |        | ment of.....                             | 22       |
| land.....                                  | 6—13   | tax for, how collected.....              | 23       |
| vacancies in, how filled.....              | 14     | appropriations to be made for            | 27       |
| may cause vote to be taken on              |        | dedicated as public park.....            | 27       |
| park.....                                  | 17     | certain business not to be car-          |          |
| when to cease acting.....                  | 17     | ried on near.....                        | 27       |
| <i>Bonds, city may issue for park</i>      |        | <i>Land, how acquired for park...</i>    | 6—13     |
| purposes.....                              | 13     | proceedings to condemn for               |          |
| provisions to pay interest on...           | 15     | park.....                                | 6—13     |
| may be issued for Lafayette                |        | <i>Land Court, to appoint ap-</i>        |          |
| park.....                                  | 21     | praisers, when.....                      | 6, 7     |
| how payable.....                           | 22, 23 | <i>Mayor, to be park commissioner</i>    | 4        |
| <i>Central park, (see park.)</i>           |        | to issue proclamation for elec-          |          |
| <i>City, to have jurisdiction over</i>     |        | tion, when.....                          | 17       |
| park.....                                  | 16     | to be member of board of im-             |          |
| <i>Common council, president of to</i>     |        | provement of Lafayette park              | 20       |
| be park commissioner.....                  | 4      | to issue bonds for Lafayette             |          |
| may levy special tax for park              | 15     | park.....                                | 21       |
| to elect park commissioners...             | 4      | <i>Park, commissioners to select</i>     |          |
| to fill vacancies in board of              |        | lands for.....                           | 1, 2, 12 |
| commissioners.....                         | 14     | <i>Park commissioners created.....</i>   | 3        |
| to make appropriations for La-             |        | proceedings in condemning                |          |
| fayette park.....                          | 27     | land for.....                            | 6—12     |
| <i>Comptroller to be one of park</i>       |        | land for, how purchased.....             | 13       |
| commissioners.....                         | 4      | city to have jurisdiction over           | 16       |
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Act Feb. 15,  
1864, pp. 162 and  
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SECTION 1. The commissioners hereinafter appointed are hereby authorized to select and designate such pieces or parcels of land, situate, lying, and being west and near the city of St. Louis, not to exceed in all three hundred and fifty acres, as in their judgment shall be best adapted for a public park, and which can be obtained or secured on the most reasonable terms for that purpose; and, when so selected and designated, the same shall be set apart and improved, in accordance with the provisions of this act, to be a public park, for the use and benefit of the inhabitants of the city of St. Louis, to be held and used as a public park forever.

SEC. 2. The commissioners hereinafter appointed are hereby authorized to enter upon and take possession, for the city of St. Louis, of the land above described, for the use aforesaid, and to close up the streets and avenues laid out through the same, and inclose the land so taken, and make such improvements,

from time to time, as they may deem necessary and proper for a public park.

SEC. 3. There is hereby created a board of commissioners, to consist of seven members, to be styled the "Commissioners of the Central Park," who shall represent the city of St. Louis in all things pertaining to said park; shall make all necessary rules, regulations and by-laws for the government of said park, and the transaction of business pertaining to the same; they shall appoint all agents, engineers and superintendents of the work and grounds, and fix the wages of all employees; shall have control of all moneys provided for the improvement of said park; they shall make an annual report of their proceedings and expenditures to the common council of the city of St. Louis, which report shall show the progress of the work, on the first day of October in that year, and shall be furnished to the council within thirty days after that date.

SEC. 4. The mayor of the city of St. Louis, the comptroller of the city of St. Louis, and the president of the common council, shall be, *ex-officio*, members of said board of commissioners; and the remaining four shall, after the expiration of the term of those hereinafter appointed, be elected by the common council of the city of St. Louis, and shall hold their office for four years, and until their successors are elected and qualified. The first board shall consist of John H. Lightner, James B. Eads, Henry Shaw, and William M. McPherson; two of those named shall hold their office until the first day of January, eighteen hundred and sixty-six, and two shall hold their office until the first day of January, eighteen hundred and sixty-eight, to be determined by lot at the first meeting of the board.

SEC. 5. The board of commissioners herein provided for shall, after the passage of this act, proceed to organize without unnecessary delay, and may proceed to acquire the title to the property herein described, or any part thereof, by private purchase, or by lease with the privilege of purchase, at a price to be fixed at the time of making the lease. But if no such purchase or lease can be made on terms deemed just and reasonable by the commissioners, then it shall be the duty of said board to cause said land, or so much thereof as shall not have been purchased or leased, to be condemned for public use.

SEC. 6. If the board of commissioners find it necessary to condemn said land or any part thereof, they shall notify the city counselor of the city of St. Louis, who shall give notice that, on a day to be named, the city of St. Louis will make application to the St. Louis land court, or the judge thereof, in vacation, for the appointment of commissioners of estimate to appraise the land mentioned in the notice for public use, which notice shall be addressed to all whom it may concern, and shall be published in two newspapers, published in the city of St. Louis, for at least one week before the day named upon which application is to be made.

SEC. 7. Upon presenting the application to the land court, or the judge thereof, in vacation, with evidence of the publication as above required, the court, or judge thereof, in vacation (as the case may be), shall proceed to appoint five discreet citizens of the city of St. Louis as commissioners of estimate, who shall go upon the land and carefully examine the same, and assess the value thereof to be paid by the city for the land so taken for public use; and shall also view the land in the vicinity of the proposed public park, and assess against the same the value of the benefits to accrue to such land from the establishment of said public park; and shall, without unreasonable delay, make a report to the land court of their proceedings.

SEC. 8. A copy of said report, and maps of the land condemned for the park, and all lands assessed for benefits, shall be filed in the city engineer's office, and a notice given of the same by publication, in some newspaper published in St. Louis, for one week before said report is returned to the land court; and such report shall be open to the inspection of all parties interested.

SEC. 9. Upon the coming in of said report, signed by the commissioners, or any three of them, the said court shall, by rule or order, after hearing any matter that may be alleged against the same, either confirm the said report in full, or any part thereof, or refer the same back to said commissioners for revisal or correction, or to new commissioners, to be appointed by the said court, to reconsider the subject matter thereof; and the said commissioners, to whom the said report shall be referred, shall return the said report, corrected and revised, or a new report to

be made by them in the premises, to the said court, without unnecessary delay; on the same being so returned it shall be confirmed, as a whole or in part, or again referred, in manner aforesaid, as to the said court it shall appear that right and justice require; and so, from time to time, until a report shall be made and returned in the premises which the said court shall confirm in full; and such report or reports, when confirmed, shall be final and conclusive, as well upon the city of St. Louis as upon the owners, lessees, and persons and parties interested in or entitled unto the lands and premises hereinbefore described, and upon all persons whose lands have been assessed for benefits, and also upon all persons whomsoever; and on such final confirmation of such report by the said court, the city of St. Louis shall become and be seized, in fee-simple absolute, of all the said lands, tenements and premises hereinbefore described, and all the rights and privileges thereto belonging, in trust, nevertheless, for the uses and purposes of a public park, forever, subject only to the payment of the bonds that may be issued for the purchase money; and all leases, covenants and contracts between landlord and tenant, pertaining to any of the lands so taken for public use, shall cease and determine upon the confirmation of such report.

SEC. 10. The board of commissioners of the Central park shall, after they have taken possession of said lands for the city of St. Louis, provided the said report shall be confirmed in full—and, if the same shall not be then confirmed, then after it shall be confirmed by the court—pay, on behalf of the city of St. Louis, to the respective persons or parties mentioned or referred to in said report, in whose favor any sum or sums of money shall be estimated or reported by the commissioners of estimate, the respective sum or sums so estimated and reported in their favor respectively; and in case of neglect or default in the payment of the same to the respective persons or parties in whose favor the same shall be reported, his, her or their executors, administrators or assigns, at any time after application to the mayor of the city of St. Louis, or the president of said board of commissioners, for payment thereof, may sue for and recover from the city of St. Louis the amount so due, with lawful interest from the date of such application, in any court having jurisdiction thereof; and in such suit it shall be sufficient to complain generally for so much money due



to the plaintiff or plaintiffs under this act, for premises taken by virtue thereof, and it shall be lawful for the plaintiffs to give any special matter in evidence under such general complaint: *Provided*, That whenever the owners of any such lands, taken by virtue of this act, shall be under the age of twenty-one years, or insane, or married women, or absent from the city and county of St. Louis, and also in all cases where the name or names of the owner or owners entitled to or interested in said land shall not be set forth in said reports, or where the title to any of the land so taken shall be in litigation, it shall be lawful for said board of commissioners, in behalf of the city of St. Louis, to pay the sum or sums mentioned in said report of the commissioners of estimate, or payable to such owners, persons or parties, respectively, into the land court, to be secured, disposed of, or held, as the said court shall direct; and such payment shall be as valid and effectual, in all respects, as if made to the said owners.

SEC. 11. In all cases where estimates are made for property taken in favor of parties who have property assessed for benefits, the commissioners of estimate shall set out the facts and deduct the benefits from the damages, and make the award for the balance, if any; and the confirmation of the report by the land court shall operate as a judgment against the land for all benefits assessed, and the city shall have the right to collect the same for the benefit of the Central park. In case of the death, resignation or refusal to act of the said commissioners of estimate, or either of them, the court aforesaid shall, upon the application of the city counselor, as often as such event shall happen, appoint a discreet person, being a citizen of the city of St. Louis, in the place of said commissioner so dying, resigning, or refusing to act. But it shall be competent and lawful for any three of said commissioners to perform the trust and duties of their appointment, and their acts shall be as valid as the acts of all the commissioners so appointed.

SEC. 12. Said commissioners shall be each entitled to receive the sum of five dollars for each day they shall, respectively, be actually employed in the duties of their appointment, besides all reasonable expenses for maps, surveys, clerk hire, and other necessary expenses, which shall be taxed by said court and paid by the city of St. Louis: *Provided*, That in case of the award being referred

back to the commissioners by the court, on motion of any of the parties interested in the land condemned or benefited, and the second award is not more favorable for the applicant, then such party or parties so applying shall pay all the costs of such reference.

SEC. 13. If the board of commissioners of the Central park shall agree with the owners of the property hereinbefore declared to be a public park, for the purchase thereof, or any part of said land, or if commissioners of estimate are appointed, then, upon the confirmation of their report, it shall be lawful for the mayor and comptroller of the city of St. Louis to raise the amount of the purchase money of said premises, or the amount directed by the report of the commissioners of estimate to be paid; or, if part by agreement and part by the award of commissioners, then to raise the amount necessary to cover both the agreements and the awards, and the expenses connected therewith, by issue of the bonds of said city, bearing an interest not exceeding five per cent. per annum, payable semi-annually in the city of St. Louis or New York, as they may deem most advantageous; said bonds to have twenty years to run, but redeemable at the pleasure of the city after fifteen years. Said bonds shall not be sold for less than ninety-five cents on the dollar; but, as long as they are held and owned by citizens of St. Louis, or by any corporation of said city, such bonds shall be exempt from all city and [?] taxes. Said bonds shall be designated by the comptroller and shall be signed by the mayor, countersigned by the comptroller, and shall be made payable to the board of commissioners of the Central park, or bearer, and shall be endorsed by the president of said board, and be of such denomination as the mayor and comptroller shall deem advisable. Said bonds, when endorsed by the president of the board of commissioners of said Central park, shall operate as a first mortgage upon said Central park, and all the land and improvements thereon shall be liable for the payment of said bonds.

SEC. 14. All vacancies occurring in the board of commissioners of the Central park shall be filled by the common council of St. Louis. Said commissioners shall not receive any compensation for their services, nor shall they be, directly or indirectly, interested in any contract for labor, materials, or superintendence, in the improvement of the park.

SEC. 15. For the purpose of paying interest on the bonds to be issued in payment for the land purchased for said public park, and providing a sinking fund to retire said bonds, as well as to provide for suitably inclosing and improving said grounds, an additional tax of half a mill per cent. will be added to the annual tax of the city, and collected and appropriated, each year, for the purposes named; and all the money thus derived, except what is necessary to pay interest on said bonds, shall be subject to the control and management of said board of commissioners of the Central park, as well as moneys that may be derived from other sources for the improvement of said park.

SEC. 16. The city of St. Louis shall have jurisdiction over said park, and all the adjoining lands to the distance of one thousand feet on every side of said park, so far as is necessary to establish police regulations and to abate nuisances; and the police may arrest and detain offenders within the bounds named, and the city recorder shall have jurisdiction of all offenses against the police or sanitary ordinances of the city, within the bounds named, as fully as if said territory was within the corporate limits of the city.

SEC. 17. The board of commissioners herein created may, after their organization, and before proceeding to purchase or condemn said land, for information, request the mayor of the city of St. Louis to submit the question as to their wish for such a park to the voters of said city, either at a special or general election; and, if so requested, the mayor shall issue his proclamation at least ten days before the day named for the election directing the vote to be taken; and at such election the vote shall be by ballot, and the ballots shall be "for the public park" or "against the public park." If, at an election so ordered, the majority of the vote cast should be against a public park, then the said board of commissioners shall take no further action in the matter of purchasing or condemning said land until ordered so to do by act of the legislature.

SEC. 18. This act is hereby declared a public act, to be recognized as such in all courts and places, and shall take effect and be in force from and after its passage.

SEC. 19. All of that portion of the city of St. Louis bounded east by Linn street and Saint Ange avenue, south by Allen street and Pontiac avenue, west by Grand avenue, north by Chouteau

avenue, is hereby established as a district to be known as the "District of Lafayette Park."

SEC. 20. The board of improvement of said Lafayette park shall consist of the mayor and the city engineer, and three citizens residing in and owning real estate within said district, who shall be selected as now provided by ordinance of said city.

SEC. 21. The board of improvement of Lafayette park shall have and exercise the same jurisdiction, power, and control, over the said park and the avenues surrounding the same, so far as regulating the use thereof, that is now or may be vested by law in the city of St. Louis; and said board of improvement is hereby authorized and empowered to make such improvements in and about said park as in the judgment of said board may be deemed necessary; and for that purpose the mayor and the comptroller of the said city of St. Louis are hereby empowered and required to issue bonds, in the name of the said city of St. Louis, to the amount of thirty thousand dollars, and deliver the same to the said board of improvement of Lafayette park.

SEC. 22. The bonds so issued shall be in sums of five hundred dollars each, with interest coupons attached, not to exceed eight per cent. per annum. Said bonds shall be made to mature as follows: Two in one year, two in two years, four in three years, four in four years, six in five years, six in six years, eight in seven years, eight in eight years, ten in nine years, and ten in ten years, from the date thereof; and said bonds shall be paid by said city of St Louis as is or may be provided for her other bonded indebtedness; but one-half of the amount required to meet said bonds, and the interest accruing thereon, shall be provided for as follows, viz:

SEC. 23. A tax of one-fifth of one per cent. shall be levied upon the assessed value of all private real estate within the following boundaries, viz: East by Second Carondelet avenue; south Geyer avenue; west by Jefferson avenue, projected through to Convent street; and north by Convent street, projected through to Second Carondelet avenue; and a tax of one-tenth of one per cent. upon all other private real estate within the district created and established by the provisions of the first section of this act.

SEC. 24. The assessor of the city of St. Louis is hereby required to add the tax provided in last foregoing section to the



annual tax-bills against all private real estate within said district, and said tax shall be designated as the "Lafayette Park Tax." Said tax, when collected, shall be paid to the city treasurer, and duplicate receipts taken therefor, one of which shall be filed with the secretary of the board of improvement of said park.

SEC. 25. All moneys collected annually, as provided by the sixth and seventh sections of this act, in excess of the amount necessary to pay one-half of the bonds and the interest maturing annually, shall be placed by the auditor of said city to the credit of said Lafayette park; and such moneys, so credited, may be drawn against on the order of said board of improvement.

SEC. 26. In case any part of said tax cannot be collected, the same shall be returned as delinquent, jointly with the city taxes, and the same proceedings shall then be had to enforce the payment thereof that are or may be provided for the collection of the revenue of said city, whether such proceedings be against the property or the owner thereof; and when such delinquent taxes are collected, the same shall be placed to the credit of Lafayette park, as provided in section twenty-fifth of this act.

SEC. 27. In consideration of the annual tax provided for in this act for the payment of the bonds issued by the said city of St. Louis for the improvement of the said Lafayette park, it is hereby further enacted: *First*, That said city of St. Louis shall, through its common council and officers, each year of the collection of the tax provided for in this act, appropriate and place to the credit of said Lafayette park a sum equal to that which may be collected in excess of the amount necessary for the payment of one-half of the amount of bonds and interest maturing annually: *second*, the said Lafayette park is hereby dedicated and set apart as and for a public park forever, and no part thereof shall even [ever] be used for any other purpose; and the same shall be, at all reasonable times, kept open for the use and benefit of the citizens of said city and of the State, under such rules and regulations as said board of improvement, subject to the approval of the board of common council of said city, shall ordain; and no gambling-house, bawdy-house, dram-shop, beer-house, beer-garden or saloon, slaughter-house, soap or candle factory, oil, glue, vitriol, chemical or other manufactory of any kind which said board of improvement shall declare to be injuri-

ous or detrimental to the use of said park, or the reputation thereof, shall ever be allowed upon said park, or within the distance of eight hundred feet from said park; and said board of improvement shall cause all such houses or establishments to be removed and abated, after giving due and reasonable notice to the owner or owners thereof: *Provided*, Nothing in this section contained shall interfere with any such house or establishment now existing.

SEC. 28. The members of said board of improvement shall receive no compensation for their services as such. They shall keep a record of its proceedings; shall provide for the safety and proper disbursement of all moneys or property that may be delivered to them; and all moneys raised by the provisions of this act shall be expended upon said park and the avenues surrounding the same. They shall keep accurate accounts in detail of all sums expended by them, and report the same to the board of common council, and shall report fully to said common council once every year. They may call upon the police of said city for assistance in the enforcement of all powers conferred upon said board by this act, and the said police shall render the said board or the members thereof such assistance, promptly.

## CHAPTER XXI.

### *Miscellaneous Provisions.*

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Act Feb. 23,  
1853, § 10, p. 106

SECTION 1. The city of St. Louis shall have power to direct to be built, at the expense of the city, any main sewer necessary to carry out the general system of sewers adopted; and to borrow money for the purpose of making any public improvement that may be deemed necessary for the city, or of acquiring any property for the public use of the city; and may, if necessary to accomplish the object, issue the bonds of the city, having not more than thirty years to run; but the authority hereby given shall not be exercised unless a majority of the members elect to the board of common council shall pass an ordinance for the purpose, which shall be approved by the mayor. The sense of the qualified voters shall be taken, at an election to be held for the purpose, after giving ten days' notice, in all the daily newspapers printed in the city of St. Louis, of the amount proposed to be borrowed, for what length of time, and for what purpose; and if a majority of those voting shall decide against making the loan, it shall not be made.

Act Dec'r 13,  
1855, § 1, p. 121,

SEC. 2. The city counselor of the city of St. Louis, in order to enable the city of St. Louis to avail itself of the provisions of the second section of an act entitled "An act about swamp lands in St. Louis county," be, and he is hereby, authorized, in the name of the State of Missouri, to proceed, in the same manner as the attorney general is required to do by the provisions of an act entitled "An act concerning escheats," approved January 8, 1845, to ascertain whether any real estate has escheated to the State of Missouri; and said proceedings shall, in all things, be conducted in the manner and form prescribed in said act concerning escheats.

Ibid, § 2, p. 121.

SEC. 3. The title of the State to all lands which shall appear to have escheated to the State of Missouri before March 3, 1851, by any proceeding commenced and prosecuted under the provisions of this act, shall, from and after judgment, be rendered in favor of the State, pass to and vest in the city of St. Louis.

Act Nov. 23,  
1857, art. v., § 43,  
p. 125.

SEC. 4. All tax deeds for lot or lots of land sold under ordinances of the city of St. Louis, for the non-payment of taxes due said city, shall be received in like manner, and shall have the same force and effect, when recorded, as State tax deeds in this particular provided for.

SEC. 5. There shall be a digest of the ordinances of the city, Act March 3, 1851, art. vii., § 16, p. 101. which are of a general nature, published within six months after the passage of this act, and a like digest within every period of three years thereafter.

SEC. 6. All property, real and personal, heretofore belonging Act March 3, 1851, art. vii., § 5, p. 100. to the inhabitants of the town of St. Louis, or to the trustees of said town in their corporate capacity, or to the mayor, aldermen and citizens of the city of St. Louis, or to the city council of the city of St. Louis, or to the city of St. Louis, shall be, and the same is hereby, declared to be vested in the corporation hereby created.

SEC. 7. This charter shall not invalidate any act done by the Ibid, § 6, p. 101. mayor, aldermen and citizens of the city of St. Louis, or the city council of the city of St. Louis, or the city of St. Louis; nor divest them of any right which may have accrued to them prior to the passage of this act.

SEC. 8. The general assembly may, at any time, alter, amend, Ibid, § 7, p. 101. or repeal this charter.

SEC. 9. This act is declared to be a public act, and may be Ibid, § 8, p. 101. read in evidence in all courts of law and equity in this State without proof.

SEC. 10. All ordinances and resolutions now in force in the Ibid, § 2, p. 101. city of St. Louis, and not inconsistent with this act, shall remain in force until altered, modified, or repealed, under this act.

SEC. 11. All suits, actions, and prosecutions, instituted, com- Ibid, § 3, p. 101. menced, or brought about by the corporation hereby created, shall be instituted, commenced and prosecuted in the name of the city of St. Louis.

SEC. 12. All actions, fines, penalties, and forfeitures, which Ibid, § 4, p. 101. have accrued to the common council of the city of St. Louis, or to the city of St. Louis, shall be vested in, and prosecuted for, the corporation hereby created.

SEC. 13. The city of St. Louis shall purchase of the joint Act Dec. 5, 1855, § 17, p. 118. stock companies so much of the several plank roads included within the boundaries of the extended new limits as are owned by said companies, at such prices as may be agreed upon between the city council and the directors of said companies; and, if they cannot agree, the value of said interest shall be assessed as other property taken for public use: *Provided, however, That so*



much of said roads, or any of them, as are owned by the county of St. Louis, is hereby vested in the city of St. Louis, free of charge.

Act Dec. 5, 1855,  
§ 9, p. 117.

SEC. 14. All money, bonds, notes, and other evidences of debt, belonging to the school fund of fractional township forty-five north, range seven east, outside of the city of St. Louis, as heretofore incorporated, shall be divided between the board of president and directors of the St. Louis public schools, as trustees of the general school fund of the city hereby established, and between the county court of St. Louis county, for the benefit of said fractional township outside of the city, hereby established; namely, on the following basis: One-half of the funds according to the ratio of population, and the other half according to the ratio of territory, namely, of said fractional township included in the extended new limits of said city, and of the said township outside of the same; to be determined by two commissioners, who shall be appointed, one by each of the said parties, sharers in the funds; who, failing to agree, shall appoint an umpire, to be chosen from the county outside of said city or township. The further management and sale of section sixteen of said fractional township shall remain with said county court, in accordance with the act of the general assembly of this State, approved March 3, 1851, entitled "An act to authorize the sale of fractional section sixteen, township forty-five north, range seven east;" and after each sale of any unsold portion of said section, the fund arising therefrom shall be divided between the two parties, sharers, in accordance with the ratio which shall have been determined according to the succeeding provisions of this section; the county court of St. Louis county, first paying all cost of management and sale of the lands, at all times to reserve a sufficient sum to pay the probable expenses relating thereto.

Ibid, § 10, p. 117.

SEC. 15. The funds belonging to the board of president and directors of the St. Louis public schools, before the passage of this act, shall be a common fund for the use and benefit of the whole city, as hereby established.

Ibid, § 11, p. 117.

SEC. 16. The property of the present city of Bremen, and of the second municipality, shall be vested in the city of St. Louis; and the latter shall assume the indebtedness of Bremen, not exceeding five hundred dollars; and of the second municipality,

not exceeding one hundred dollars; and shall receive all sums of money that may be due to said Bremen, and to said second municipality, for taxes or otherwise.

SEC. 17. The separate incorporations of the city of Bremen Ibid, § 13, p. 118. and second municipality are hereby vacated and abolished.

SEC. 18. The agent or agents of any foreign insurance com- Act Feb. 27.  
1857, § 6, p. 122.pany, doing business in the county of St. Louis, shall publish, daily, for six successive days, on or before the first day of February of each and every year, the statement required in the first section of the act to which this is amendatory, in one English and one German newspaper published in said county: *Provided*, That whenever the parent office of such agency shall publish an annual statement of its affairs, the time mentioned in the first part of this section for the publication of the statement shall be so changed as to allow said publication to be made within one month of the date of such annual statement by the parent company.

SEC. 19. The agent or agents of any foreign insurance com- Ibid, § 7, p. 122.pany, doing business in the city of St. Louis, shall, in addition to the tax on gross premiums above provided for, pay to the collector of the ward in said city in which the office of said agent is located, on or before the first day of February of each and every year, the sum of one hundred dollars, for the use of said city, which sum shall be considered in full for, and in room of, all taxes and licenses which said city, by its charter, may or may not possess the power to impose on such agencies; and such collector shall, upon such payment being made, issue to such agent or agents a license, in the name of the city of St. Louis, for the carrying on the business of such agency for one year; which license shall be renewed from year to year, if demanded, and shall not be subject to any taxation of any kind whatever.

SEC. 20. Any agent or agents of any such insurance company, Ibid, § 8, p. 123. who shall neglect or refuse to comply with the requirements of the last preceding section, shall forfeit and pay the sum of two hundred dollars, which may be sued for and recovered, in the name of the city of St. Louis, to the use of the same, by suit instituted by the city attorney, in any court having competent jurisdiction.



# REVISED ORDINANCES

## OF THE

# CITY OF ST. LOUIS,

IN FORCE UP TO THE SECOND MONDAY IN OCTOBER, 1865.

(No. 4872.)

## CENSUS.\*

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| delegation of ward to recom-                                                |                                                                                                                                                   |             |

*Be it ordained by the Common Council of the City of St. Louis.*

SECTION 1. The census of the city shall be taken in the month of December, eighteen hundred and sixty-four, and during the same period of time every four years thereafter.

SEC. 2. When the census is to be taken it shall be the duty of the mayor to appoint a sufficient number of persons, whose names for each ward shall be recommended by the delegation of the ward, who shall, under the superintendence and direction of the president of the board of assessors, proceed to take the

\* This constitutes the second article of ordinance No. 4872, approved July 5, 1861; it was detached therefrom by the reviser, and made part of another ordinance, which failed to pass the common council, thus leaving it in force in the above shape.



census of the city in a period of time not exceeding ten\* days, which days shall also be fixed by the mayor.

List of census-takers to be published.

SEC. 3. A list of such census taken [takers] shall be published by the president of the board of assessors at least ten days previous to the time for taking the census, stating the number of the block or blocks for which they are appointed, and requesting them to call at the office of the president of the board of assessors

President of board of assessors to furnish blanks.

to receive the necessary papers and instructions. The president of the board of assessors shall furnish each census-taker with a sufficient number of blank sheets, on which shall be printed the same columns and headings which the census books are required, by this ordinance, to contain; on which sheets they shall take the census, [and] return the same to the office of the president of the board of assessors, with an affidavit to it, as hereinafter provided.

Census to be copied into books; form of census.

SEC. 4. The president of the board of assessors shall cause the census to be copied into separate books, one for each ward, which shall be made out by blocks, numerically, as provided in article 1, section 7 [6], of this ordinance;† and he shall enter, in separate columns, the number of white males, white females, free male persons of color, free female persons of color, male slaves, female slaves; and in separate columns, the number of each of said classes of persons under five years of age, over five and not exceeding ten, over ten and not exceeding fifteen, over fifteen and not exceeding twenty-one, over twenty-one and not exceeding forty-five, over forty-five and not exceeding sixty, and all over sixty years; also, the number of white children over fourteen years of age, and not exceeding eighteen, who cannot read and write; and the number of white children, over seven and not exceeding twelve years of age, who do not attend some school or place of instruction at the time of taking such census.

Directions concerning the manner of taking census.

SEC. 5. The takers of the census shall also register, in separate columns in said book, the names of all persons in their respective districts, in the blocks where such persons may reside, the name of every merchant, trader, grocer, auctioneer, broker,

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\*The word "two," in the original ordinance, is changed to "ten" by ordinance No. 5472, approved December 15, 1864.

†Section 6, of article V, of ordinance No. 5453, passed September 6, 1864.

inn-keeper, tavern, dram-shop, tippling-house, beer-house, coffee-house, attorney at law, physician, mechanics, laborers, rivermen, bricklayers, children going to any school, number of Americans, Germans, English, Irish, French and all other nations; Americans over twenty-one, naturalized foreigners over twenty-one, foreigners over twenty-one years who have their first papers, foreigners over twenty-one who have no papers.

SEC. 6. The census-takers shall also ascertain and return with the census the number of buildings, exclusive of out-houses, situated on each block, specifying in each case the materials of which the building is composed, the number of stories contained in it, and the purpose for which it is used. Further directions.

SEC. 7. They shall return the names of the heads of families, and all persons enumerated separate from any family; and under the name of the head of any family shall be enumerated all persons of the household, whether residing there as boarders or otherwise, provided they be residents of the city; and opposite the name of each person or head of a family shall be stated the kind of building they occupy. Further directions.

SEC. 8. The return of the census shall show separately in blocks the addition of each column, which shall be forwarded and recapitulated in aggregate in the back part of each of said books; and said recapitulation must show the aggregate population of each particular age, sex or color, and also the aggregate of each kind of buildings, merchants, grocers, and so forth, as hereinbefore stated. Further directions.

SEC. 9. After the census-takers have completed their work, they shall each file an affidavit with the register that they have, to the best of their knowledge and ability, made an accurate return of every man, woman [and] child in the city, and that they have reported no more. Affidavit to be made.

SEC. 10. The city auditor, on the return of said books containing the census taken, [as] aforesaid, shall lay the same before the common council at the first meeting thereafter. Auditor to report to common council.

Approved, July 5, 1861.

(No. 5419.)

## COMMON COUNCIL AND ORDINANCES.

## AN ORDINANCE CONCERNING THE COMMON COUNCIL.

|                                                                                      |                     |                                                                       |                                                |             |
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| <i>Actions pending, not affected by repeal of ordinance.....</i>                     | <i>II, 9</i>        | <i>sergeant-at-arms to carry messages for.....</i>                    | <i>I, 6</i>                                    |             |
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|                                                                       |                                                                                       |
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| clerk to have synopsis of published.....I, 5                          | <i>Superintendent of waterworks</i> , sergeant-at-arms to carry messages for.....I, 6 |
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| <i>Record of proceedings</i> , clerk of council to keep.....I, § 5    | <i>Tenure of office</i> , not affected by repeal of ordinance.....II, 15              |
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*Be it ordained by the Common Council of the City of St. Louis.*

## ARTICLE I.

### *Meeting and Organization of the Board, and general provisions.*

SECTION 1. The board of common council shall meet on the first Saturday after the first Monday in April, at two o'clock P. M., in each year, for the purpose of organization, of electing the officers and such standing committees of the board as are required to be elected by ballot, and of settling up the accounts of the treasury department for the previous fiscal year. And should there have been an election for mayor on the preceding first Monday in April, the board shall make provisions for the installation of the mayor elect.

SEC. 2. The stated sessions of the board of common council shall commence on the second Mondays in May and October, in each year, at three o'clock P. M. And said board shall also, upon the call of the mayor, convene for the purpose of sitting as a court of appeals, on the annual return of the assessment lists.

Annual meeting of common council, purpose of; standing committees to be elected; accounts of treasury department to be settled; installation of mayor.

Time of stated sessions.

Court of appeals.



Notice of called sessions.

SEC. 3. Five days' public notice of called sessions shall be given by the mayor, in the newspapers employed by the city.

President, president *pro tem.*, and clerk to be elected.

SEC. 4. The board shall, at its first regular session, elect by ballot a president, and a president *pro tem.*, and also a clerk.

Duties of clerk.

SEC. 5. It shall be the duty of the clerk: *First.* To keep a correct, full and explicit record of all the proceedings of the board. *Second.* To prepare and furnish to the newspapers doing the city printing, as soon as may be after each meeting of the board, an official copy of the proceedings thereof for publication. *Third.* To file and preserve all papers and documents belonging to the common council, upon which shall be endorsed a succinct history of all proceedings had thereon. *Fourth.* To prepare copies of all resolutions, and transmit them to the parties therein designated. *Fifth.* To keep, in tabular form, a synopsis of the proceedings had at each meeting, showing the term number of each petition, resolution and bill presented, and by whom introduced; the substance of each petition and resolution, and the title of each bill; the date when the same was introduced, and of the second and third readings, passage or rejection, enrollment, approval or veto, and [of] the registered number of bills, also, of the reference of all documents, to whom referred and when reported; together with such other of the proceedings, if any, as may be deemed necessary to give a brief history thereof, and furnish an index thereto; and shall cause, at the expiration of each term, the same to be printed for the use of the members of the board and city officers. *Sixth.* To perform such other duties appertaining to his office as may be deemed necessary to systematize the business and promote the efficiency thereof; and to be present in his office daily for the transaction of business connected therewith.

Sergeant-at-arms to be elected, duties of.

SEC. 6. There shall also be elected, by ballot, at the first called or stated session, a sergeant-at-arms, whose duty it shall be to attend all sittings of the board of common council, and of the board of health; to keep the hall of the board swept and clean, and provide fires, lights, and all other necessary articles therefor; to carry messages for the mayor, register, treasurer, comptroller, auditor, engineer, superintendent of waterworks, and for the clerk of the board of common council, and keep their rooms, and the room of the clerk of the board of health, swept and supplied with fuel and other necessary articles; to keep

regular accounts of all expenditures by him for fuel and lights, and other necessary articles for the use of the board of common council or board of health, and make quarterly reports of such expenditures to the city auditor; and to occupy a room in the city hall, and have the general care and custody thereof.

SEC. 7. The sergeant-at-arms is authorized to employ a messenger, to be subject to his orders, and to aid and assist him in the discharge of the duties of his office.

Messenger may be employed; duties of.

SEC. 8. There shall also be elected, at the same time and in the same manner, three standing committees, consisting of three members each, to represent the city of St. Louis in the Pacific railroad company, in the North Missouri railroad company, and in the Iron Mountain railroad company; and such committees are authorized to cast the vote to which the city may be entitled in said several railroad companies as a majority of each of them shall decide, and generally to use all proper and lawful means to guard and protect the interests of the city in the premises. Also, a board of managers of the workhouse, a committee on gaslight, and a committee on house of refuge, consisting of three members each, excepting the committee on house of refuge, which shall consist of four members. Also, a board of fire engineers and a board of health, consisting of five members each. Also, a sewer committee, to consist of five members of the common council, and to be elected as provided in the ordinance establishing and regulating the engineer department. Also, a waterworks committee, to consist of five members, representing different wards. Also, a committee of four persons, to be entitled the Washington Square and Missouri Park Board of Improvements, two of whom shall be members of the council, and two selected from persons living in the vicinity of said public grounds; which said committee shall perform such duties as are prescribed and required of them by ordinance.

Election of railroad committees.

Power of same

Board of managers of workhouse; gaslight committee; committee on house of refuge; board of fire engineers; board of health; sewer committee.

Waterworks committee.

Washington square and Missouri park board of improvements.

Duties of same.

SEC. 9. Resignations by members shall be addressed to the presiding officer of the board.

Resignation of members.

SEC. 10. If a vacancy occur in the board, the presiding officer shall notify the mayor thereof, who shall order an election to be held to fill the same. In event that such vacancy shall occur ninety days before a general election for members of the council,

Presiding officer to notify mayor of vacancy.

Mayor to order election.

then the mayor shall order an election within ten days from the occurrence of such vacancy.

No member to vote on bill if interested.

SEC. 11. No member of the board of common council shall be permitted to vote for or against any bill in anywise appropriating money, or approving a contract, in which said member is, directly or indirectly, interested pecuniarily; and any bill, having passed by the vote of such interested member, shall be declared illegal and of no effect.

Bill passed by vote of interested member void.

Proceedings on petitions for improvement of streets in extended new limits.

SEC. 12. Petitions for the improvement of streets, or portions of streets, in the extended new limits, shall be published, with the names signed thereto, in the proceedings of the board of common council; and if, within five days from the date of such publication, no remonstrance shall be presented against such improvement, based upon the ground that the petition does not contain the names of a majority of the owners resident upon such street or portion of street, then such petition shall be received as *prima facie* evidence as to the fact of ownership as therein stated; \* and every such remonstrance shall state the block and street on which the signers thereto reside. †

Remonstrances, what to contain.

## ARTICLE II.

### *Concerning Ordinances, their Promulgation and Translation.*

Bill vetoed, how passed.

SECTION 1. When an ordinance that has passed the common council shall be presented to the mayor for his approval, and shall be returned with his objections thereto, and if, upon reconsideration, it shall pass the council by a vote of two-thirds of all the members elected, as provided and required by the city charter, such ordinance shall be authenticated as having become a law, by a certificate endorsed thereon as follows: "This ordinance having been returned by the mayor with his objections thereto, and, after reconsideration, having passed the common council by a vote of two-thirds of all members elected to the council, as provided and required by the city charter, has become a law

How authenticated.

\* This section is not contained in the original ordinance, but is ordinance No. 5,328, approved June 13, 1864.

† The last clause is an amendment by ordinance No. 5,517, approved March 8, 1865.

this — day of —, A. D. 18—;" which, after being signed by the president of the board, shall be a sufficient authentication thereof; and such ordinance, after being signed as aforesaid, shall be transmitted to the register, who shall file and preserve the same in his office.

To be filed by register.

SEC. 2. Any ordinance which shall have passed the council, and shall not be returned by the mayor within five days (Sundays excepted) after it shall have been presented to him for his approval, thereby becoming a law, shall be authenticated by the register's certificate endorsed thereon, as follows: "This ordinance having remained with the mayor five days (Sundays excepted), and the council being in session, it has become a law this — day of —, A. D. 18—;" which ordinance, thus certified, shall be filed and preserved as in other cases.

Bill passed by default of mayor, how authenticated.

How filed.

SEC. 3. It shall be the duty of the register, as soon as practicable after the adjournment of any stated or special session of the council, to cause the original ordinances of the council, passed at such stated or special session, to be bound in a strong and substantial manner and properly labeled, and shall make a written index of the subject of each ordinance, its number, and date of becoming a law; and the register shall preserve the volume, thus bound, safely in his office. And he shall also cause one hundred and fifty copies of the printed slips of the ordinances to be bound in pasteboard, at the expiration of each session, for the use of the members of the common council.

Ordinances to be bound and indexed.

Register to file ordinances; printed ordinances to be bound.

SEC. 4. All ordinances and resolutions of a general, public, and permanent nature, not revised at the present session of the council, and not repealed by or repugnant to some ordinance passed at the present session of the council, shall be, and they are hereby, continued in full force and effect.

Ordinances not repealed, to remain in force.

SEC. 5. All ordinances of a general, public, and permanent nature, revised at the present session of the council (so soon as such revised ordinances shall take effect), shall be taken and construed as repealing all ordinances and parts of ordinances inconsistent [therewith] or repugnant thereto, and which were in force at the commencement of the present session of the council.

Ordinances repugnant to new ordinances, repealed.

SEC. 6. All ordinances and resolutions of a private, local, or temporary nature, in force at the commencement of the present session of the council, not repealed by, or repugnant to, some

Private or local ordinances not affected by revision.



ordinance passed at the present session of the council, shall continue in force, or expire, according to their respective provisions or limitations.

Repeal of ordinance not to affect proceedings commenced.

SEC. 7. The repeal of any ordinance, or part or parts of any ordinance, or resolution, by this ordinance, shall not affect any act done, or right accrued or established, in any proceeding, action, suit, or prosecution, or other thing, had or commenced previous to the time when such repeal shall take effect; but every such act, right, or proceeding, shall remain and continue as valid and effectual as if the provisions of any such ordinance or resolution had remained in force.

Repeal of ordinance not to affect penalty incurred.

SEC. 8. No offense committed, and no fine, forfeiture or penalty incurred, previous to the time when the provisions of any ordinance, parts of an ordinance, or resolution shall be repealed, shall be affected, released, or in any way discharged by such repeal; but the trial, conviction, and punishment of all such offenses, and the recovery of such fines, forfeitures, and penalties, shall be had, in all respects, as if such provision had remained in force.

Proceedings pending to be conducted according to revised ordinances

SEC. 9. No action, prosecution, suit, or proceedings, pending at the time any ordinance or part of an ordinance shall be repealed, shall be affected in any way by such repeal; but any such action, prosecution, suit, or proceeding, shall proceed, in all respects, as if such ordinance or part of an ordinance had not been repealed; except that any such action, prosecution, suit, or proceeding, had or begun after the ordinances revised at the present session of the council shall take effect, shall be conducted in conformity with the provisions of such revised ordinances, and shall be, in all respects, subject to the provisions thereof, so far as they are applicable.

"Heretofore" and "hereafter" how construed.

SEC. 10. Whenever the term "heretofore" occurs in any ordinance, it shall be construed to mean any time previous to the day when such ordinance shall take effect; and whenever the term "hereafter" occurs, it shall be construed to mean any time after such ordinance shall take effect.

Plural number, how to be construed.

SEC. 11. Whenever, in any ordinance or resolution, words importing the plural number are used in describing or referring to any matter, parties, or persons, any single matter, party, or person, shall be deemed to be included, although distributive words to that effect may not be used.

SEC. 12. When any subject, matter, party, or person, is described or referred to in any ordinance, by words importing the singular number, or the masculine gender, several matters and persons, and females as well as males, and bodies corporate as well as individuals, shall be deemed to be included.

Singular number and masculine gender, how deemed to be used.

SEC. 13. The rules prescribed in the last two sections shall apply in all cases, unless it shall be otherwise expressly provided in any ordinance, or unless there be something in the subject or context repugnant to such construction.

Preceding rules, how applied.

SEC. 14. When an ordinance repealing a former ordinance, clause, or provision, shall itself be repealed, such repeal shall not be construed to revive such former ordinance, clause, or provision, unless it be expressly so provided.

Repeal of repealing ordinance not to revive original ordinance.

SEC. 15. The tenure of any office, or accountability of any officer, of the city, shall not be affected by the repeal of any ordinance, clause, or provision, unless it be otherwise expressly provided in the repealing ordinance.

Tenure of office, and accountability of officer, not affected by repeal of ordinance.

SEC. 16. All ordinances of the council hereafter passed shall have a title indicative of the nature and object thereof.

Title of ordinance to indicate contents.

SEC. 17. All ordinances hereafter passed shall take effect and be in force from the date of their approval or authentication, as hereinbefore provided, unless it be otherwise expressly provided; and if any bill be introduced in the council containing a provision that the same shall take effect upon its passage, the clerk of the board shall strike out such provision.

Ordinances to take effect on passage.

Clerk to strike out certain words.

SEC. 18. For the purpose of construction, the revised ordinances passed at the present session of the council shall be deemed to have been passed, approved, or authenticated, on the same day, notwithstanding they may have been passed, approved, or authenticated, on different days or times; but if different ordinances (or any provision of different ordinances) are repugnant to each other, that which shall have been last passed, approved, or authenticated, shall prevail; and so much and such parts of any prior ordinance, clause, or provision, as shall be inconsistent with such last ordinance, clause, or provision, shall be deemed to be repealed thereby.

Ordinances to be deemed to have passed on same day.

When repugnant, last ordinance to prevail.

SEC. 19. A translator shall be appointed, in the same manner as other city officers, whose duty it shall be to translate into the German language the ordinances and resolutions of the council,

Translator to be appointed; duties of.

Translations to  
be published.

Translator to  
take oath

and all other matters which may be directed to be published in the German language, and return his translations to the city register, who shall cause them to be published by the printer employed for that purpose.

SEC. 20. The said translator shall, before entering into office, take and subscribe, and file with the register, an oath, to the effect that he will truly and correctly translate all matters submitted to him by the city for that purpose.

Approved, August 30, 1864.

(No. 5429.)

## COUNSELOR AND CITY ATTORNEY.

### AN ORDINANCE IN RELATION TO THE CITY COUNSELOR AND CITY ATTORNEY.

|                                                 |   |                                                |  |
|-------------------------------------------------|---|------------------------------------------------|--|
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*Be it ordained by the Common Council of the City of St. Louis :*

# ARTICLE I.

## *Of the City Counselor.*

SECTION 1. A suitable person, who shall have been a resident of this city, and licensed to practice law in the courts of this State, two years before his appointment, shall be appointed city counselor, and shall hold his office for one year.

City counselor  
to be appointed;  
qualifications.

Term of office.

SEC. 2. It shall be the duty of the city counselor :

Duties of coun-  
selor.

*First*—To prosecute and defend all suits and actions originating and pending in any court of record in this State (except cases appealed from the recorder's court) to which the city is a party, or in which, in the opinion of the mayor, the interests of the city are brought into controversy, or in which the official acts of any of its officers or agents are involved.

To conduct  
suits for city.

*Second*—To advise the common council, or their committees, or any city officer, in such legal questions as may arise in relation to the business of the city ; to draw up any bill or ordinance that he may be called upon to draw by any committee of the board of common council ; and to give any such committee his opinion in writing upon any and all questions of law submitted to him. He shall also personally attend any meeting of any committee of the council, when required by such committee to do so, and shall keep his office in, or as near as possible to, the city hall.

To advise city  
officers.

To draft bills.

To give opinions  
in writing.

To keep office  
near city hall.

*Third*—To perform all such other services, in the line of his profession, connected with the business of the corporation, as are not comprised in the duties of the city attorney.

To perform gen-  
eral profession-  
al duties.

*Fourth*—To keep a record of all legal opinions officially given by him in writing, with the request therefor, and an index thereto, and an account book showing all claims placed in his hands for collection, all moneys received by him on account of the city, and all payments to the city treasurer.

To keep record  
of opinions.

Account book.

Payments to  
treasurer.

*Fifth*—To keep a book, or docket, in which he shall enter an abstract of all suits pending, and judgments, in favor or against the city of St. Louis, in tabular form, substantially as follows : Names of parties ; suits, when brought ; in what court ; nature

To keep docket  
in tabular form.

Contents of  
docket.



of action; names of witnesses; proof, et cetera, for the city; what steps taken at last term; what preparatory steps necessary before the next term; cause of continuance at last term; amount of judgment; date of judgment; date of execution; to what office delivered; when returnable; judgment, how satisfied; remarks, et cetera; which book or docket shall be delivered by him to his successor in office.

To settle with auditor.

*Sixth*—To settle at the end of each quarter with the auditor; and

To prosecute appeals.

*Seventh*—To prosecute and appeal, on writ of error, in any case in which the city is concerned, when he shall see proper, and to make the necessary affidavits therefor; and in all cases of appeal, the mayor is authorized to procure, in behalf of the city,

Make affidavits.

Mayor to procure securities.

Sureties to be kept harmless.

such securities as may be required by law; and the mayor and such securities as may execute any appeal or other bond, in behalf of the city, shall be kept harmless by the city therefor.

To report to comptroller.

SEC. 3. Within the five days after the adjournment of each term of any court of record, in which any suit or suits may be pending in which the city is a party, or interested, the city counselor shall report to the comptroller the names of the parties to any such suit or suits; when brought; in what court; nature of the action; names of the witnesses; proof, et cetera, for the city; what steps were taken at the last term; what preparatory steps before the next term; cause of continuance, if continued; and such other information as, in the opinion of the city counselor, may be for the interest of the city, or such as he may be required to furnish by the mayor or comptroller of the city.

Contents of report.

Assistant counsel may be employed.

SEC. 4. Assistant counsel may be employed in any case at the discretion of the mayor or common council.

## ARTICLE II.

### *Of the City Attorney.*

Duties of city attorney.

To conduct suits before recorder and justices.

SECTION 1. It shall be the duty of the city attorney:

*First*—To prosecute, before the recorder or justice of the peace, all actions on behalf of the city; and defend, before those officers, all actions against any officer, servant, or agent of the city, on account of his official acts.

*Second*—To attend to the prosecution of all cases in behalf of the State, brought before the recorder. To prosecute for State.

*Third*—To prosecute or defend, in any court of record, any suit or action originating there, when required by the mayor. To conduct suits in courts.

*Fourth*—To take an appeal or writ of error on behalf of the city, with the consent and approval of the comptroller, and make the necessary affidavits therefor, and execute the necessary bond in the name of the city. To take appeals for city.

*Fifth*—To attend in appellate courts to all appeals or writs of error in any case originating before the recorder or justices of the peace. To attend in appellate courts.

*Sixth*—To advise the common\* council, or their committees, or any city officer, as the city counselor is required to do. To advise city officers.

SEC. 2. The city attorney shall, in like manner, report to the comptroller all suits and judgments in favor of or against the city, in any court of record, which it is the duty of the city attorney to prosecute or defend; and he shall make, also, quarterly reports to the comptroller of all unsatisfied judgments, their date and amount, recovered in favor of the city before the recorder or any justice of the peace. To report to comptroller.

SEC. 3. Either of said officers, in case of his temporary absence from the city, sickness, or inability to attend any court, may, at his own expense, with the approbation of the mayor, appoint some person to act in his stead, for the occasion, in city cases; and when either, before assuming his office, shall have been retained as counsel adversely to the city in any case to which it is his duty to attend on behalf of the city, he shall inform the mayor thereof, who shall appoint another person to represent the city in such case. Counsel may be employed by city counselor or city attorney.

Approved, September 3, 1864.

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\*The word "city," in the original ordinance, is changed to "common" by ordinance No. 5463, approved November 30, 1864.

(No. 5439.)

## ELECTIONS AND OFFICERS.

## AN ORDINANCE CONCERNING ELECTIONS AND CITY OFFICERS.

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*Be it ordained by the Common Council of the City of St. Louis :*

## ARTICLE I.

### Elections.

Elections, where and how held.

Marshal to provide rooms.

Expenses of, how paid.

What notice required for elections.

SECTION 1. All elections for city officers shall be held at such place in each ward as the mayor may direct, and according to the regulations hereinafter contained; and, thereupon, the city marshal shall provide, at the expense of the city, suitable rooms for the judges and clerks of any city election; and upon his certificate of the amount thus expended, and with the approval of the mayor and comptroller, the auditor shall draw his warrant on the treasurer, payable out of the appropriation for contingencies, unless otherwise directed.

SEC. 2. The mayor shall give ten days' public notice of the time and place of holding any general election, and five

days' public notice of the time and place of holding any special election.

SEC. 3. There shall be appointed, annually, by the board of common council, six judges for each ward to superintend all city elections, who shall be citizens of the United States, and shall have resided in the ward for which they are respectively appointed at least two years next preceding their appointment, and the board of common council shall designate the poll in such ward at which each of such judges shall serve.

Judges of election to be appointed.

Qualifications of.

Where to serve.

SEC. 4. If any person so appointed decline or neglect to serve, the board of common council, if in session, shall appoint others to serve instead; but if the board is not in session, the mayor shall appoint the judge or judges to serve instead of the person or persons declining or neglecting to serve.

Judges declining, how others to be appointed.

SEC. 5. If a vacancy be not filled, or if any person appointed fail to be present at the place of election at the time of opening the polls, or, being present, decline serving, a majority of the qualified voters then and there present may elect a qualified person to act as judge of that election.

Vacancies on day of election, voters to fill.

SEC. 6. The judges at any election shall, before opening the polls, appoint two suitable persons, qualified voters of the ward, to act as clerks of the election, who shall make and subscribe an oath or affirmation faithfully and impartially to discharge the duties of clerk; but no officer of the city, or candidate for any city office, shall be judge or clerk of any city election.

Judges to appoint clerks.

Oath to be taken by.

Candidates not to act as clerks or judges.

SEC. 7. The city register shall, at least three days before the day set for holding an election, cause notice of their appointment to be given to the judges, to one of whom he shall deliver a ballot-box and blank poll-book, with the necessary certificates written in blank therein.

Notice to be given to judges.

Blanks and ballot-box delivered to.

SEC. 8. The judges shall receive the ballot of every qualified voter offering to vote, placing thereon the number of such ballot, and deposit such ballot in the ballot-box, which shall not be opened until the polls are closed; and the clerks shall enter in the poll-books, in a fair hand, the name of every person voting, recording opposite each name the number of the ballot; also the name of every person whose vote is rejected, and opposite thereto shall note the fact of the rejecting, and the ballot so

Regulations concerning the receiving of votes.

Voters to vote where they reside. rejected shall be deposited in a separate box. Voters shall vote only in the wards in which they respectively reside.

Judges to preserve order; to cause disturbers to be arrested. SEC. 9. The judges shall have power to preserve order at the polls, and to command the officer in attendance to arrest and take before the recorder any person who shall, by violent or turbulent conduct, or in any other manner, interfere with, hinder, obstruct, disturb, or delay the judge or clerks in the discharge of their duties, or any voter in exercising the privilege of voting; and for any such offense the offender shall forfeit and pay a sum not less than ten nor more than one hundred dollars.

Penalty for disturbing elections.

Penalty for seizing ballot-box

SEC. 10. Whoever shall, at any election, seize, or attempt to seize, a ballot-box or poll-book, with the purpose of carrying the same off by force, shall forfeit and pay a sum not less than two hundred and fifty nor more than five hundred dollars.

If ballot-box is seized, election to be void.

SEC. 11. If a ballot-box shall be seized and carried away at any election, so that the ballots therein cannot be counted, the whole election shall be thereby void, and a new election shall be ordered by the mayor.

Regulations concerning the counting and certifying of votes

SEC. 12. At the close of the polls the judges shall proceed to call out the ballots and ascertain the number of votes given for each person voted for, and shall continue the counting of the ballots, without intermission, until all are counted, when they shall immediately certify the aggregate number of votes given for each person, and their certificate shall be attested by the clerks. A like examination and a separate certificate of the rejected ballots shall be made in like manner.

Rejected ballots to be certified

Disposition of ballots after counting

SEC. 13. The ballots shall, as they are counted, be strung by the judges on a string or wire, and at the close of the count replaced in the ballot-box, which shall be locked and safely sealed up with wax, and not [be] reopened by them, or with their consent, thereafter.

Poll-books to be delivered to register.

SEC. 14. At the hour of four o'clock in the afternoon of the next day following that of any election, the judges shall deliver the ballot-boxes and poll-books, with their certificate as aforesaid, to the register, at his office; and the register shall forthwith proceed, in the presence of the mayor and at least one judge of election of each ward, if a general election, or one judge of the ward in which the election was held, if a ward election, to count up the number of votes certified in each poll-book, and make out

Register to count up votes given.

a certificate stating the name of each person voted, at full length, the office for which he is voted for, and the aggregate number of votes given to each person, and who are elected; when [which] certificate shall be signed by the mayor and the judge of election present, and attested by the register.

To certify number of votes, and who elected.

How certificate shall be signed.

SEC. 15. The register shall, on the next day after making the certificate aforesaid, make out and deliver a certificate, under the seal of the city, signed by the mayor, to each person elected, setting forth the office to which he is elected.

Certificate of election to be made out.

SEC. 16. Any judge or clerk of election who shall have commenced serving as such, and shall fail to perform any of the duties enjoined on him by law or ordinance, except for a reason specified in the next succeeding section, shall forfeit and pay a sum not less than twenty nor more than five hundred dollars.

Penalty for ceasing to act as judge or clerk of election.

SEC. 17. If any judge or clerk of election, after entering upon the discharge of his duties, shall, by sickness or other personal disability, be rendered unable to continue to act, another may be appointed in his place: if a judge, by a majority of the qualified voters present; if a clerk, by the judges. In such case the person substituted shall make oath as hereinbefore required; and the fact of substitution, and the time when it took place, shall be noted in the poll-book.

Judge or clerk becoming disabled, how substitute may be appointed.

Substitute to take oath; note to be made in poll-book.

SEC. 18. No judge or clerk of election shall examine, or suffer any one to examine, the ballot of any voter handed in to be deposited in the ballot-box, before placing the same therein; or permit any one but the voter handing the same in, or one of the judges, to handle the same; or allow any person but one of the judges to handle a ballot-box, under penalty of not less than five nor more than one hundred dollars.

Judges not to permit ballot to be examined or handled.

Penalty for handling ballot or ballot-box.

SEC. 19. At a general election, when there is a full ticket of all city officers to be elected, the pay of each judge and clerk shall be eight dollars; at a general election, when only councilmen are to be elected, six dollars; and at all special elections, four dollars.

Compensation of judges and clerks.

SEC. 20. It shall be the duty of the city register to deliver a copy of this ordinance to each of the judges for the several wards of the city, at least one day previous to any election.

Copy of ordinance to be delivered to judges.

SEC. 21. When the election of any city officer shall be contested, it shall be before the common council, at any regular

How election may be contested.



Notice to be given.

Contents of notice; register to be notified; no commission to be granted.

Common council to recount votes.

To hear objections to voters.

To ascertain ballot of unqualified voter.

To hear other objections; to award certificate to person legally elected and qualified.

Depositions may be taken; poll-books may be examined.

session after said election shall be held; and the person contesting such election shall give to the opposite party notice in writing, at least ten days before the said regular meeting of said council, specifying the grounds upon which he expects to rely, and shall also file with the register a copy of the same; and no certificate shall be made out, or commission granted, to any person until such contest is heard or determined.

SEC. 22. At the first stated session of the common council, they shall proceed to recount all the votes cast for each candidate, respectively, and shall carefully make an aggregate of the same; they shall then proceed to hear and determine the objections to the qualifications of any voters, upon the oral and written testimony of witnesses produced or examined by either party; and if it appear that any person has voted who was not legally qualified, they shall take his number on the poll-book, and shall find the corresponding ballot and make a minute of the same, together with the name of the person for whom he voted; and shall thus proceed through the poll-books, noting each voter whom they find unqualified, and the person for whom he voted, and shall make an abstract of the same. They shall then proceed to hear all and every other ground of contest, and shall, by resolution, award the certificate of election, or commission, to that person who is, in every respect, eligible, and who shall have received a plurality of all legal votes so found to be cast at any election as aforesaid.

SEC. 23. Either party may, on giving notice thereof to the other, take depositions, to be read as evidence on the trial; and both parties shall, in the presence of the register, have the privilege of examining the poll-books and ballots, either separately or together, for the purpose of such conduct [contest].

## ARTICLE II.

### *Appointment, Qualification and Duties of Officers, and Miscellaneous Provisions Concerning Officers.*

Qualification of officers.

SECTION 1. Every person elected or appointed to an office under this city shall be a citizen of the United States, over twenty-one years of age, and shall have resided in this city at least one year next preceding his election or appointment.

SEC. 2. No person shall perform the duties of an office to which he may have been elected or appointed, until commissioned, as hereinafter provided.

Not to act unless commissioned.

SEC. 3. Every person so elected or appointed shall, before entering upon the duties of his office, make and subscribe an oath, before a proper officer, that he will support the constitution of the United States, and of this State, and the charter and ordinances of the city of St. Louis, and faithfully demean himself in his office; and, when bond is required, shall give the same; which oath and bond shall be filed with the city register.

To take oath.

Nature of oath.

Give bond.

SEC. 4. Official bonds shall be made to the city of St. Louis, and shall be conditioned, when not otherwise prescribed, for the faithful performance by the officer of all acts and duties required of him in his office by any law of the State of Missouri, or ordinance of this city, existing at the date of the bond, or subsequently passed.

Conditions of bond.

SEC. 5. Such bonds, before being executed or approved by the mayor, shall be presented to the city counselor, or, in his absence or inability to act, to the city attorney, for his approval of the form thereof. If his approval in that respect be written thereon, the same shall be executed and presented to the mayor for his approval of the security offered, which, being approved, the register shall receive and file such bond: *Provided*, That no person shall be accepted as security on any such official bond who is at the time a member of the common council, or acting as city comptroller, city auditor, city treasurer, city register, city engineer, superintendent of waterworks, superintendent of work-house, city recorder, city attorney, or counselor.

Form of bond to be approved.

Securities to be approved.

Certain officers not to be accepted as securities.

SEC. 6. Upon said oath or bond being filed with the register, he shall deliver to the person elected or appointed, except members and officers of the council, a commission, in the name of and signed by the mayor, and under the seal of the city, authorizing and empowering such person to discharge the duties of the office for the term for which he has been elected or appointed, and until his successor shall have been duly elected or appointed, and commissioned.

Register to make out commission.

SEC. 7. On or before the third Monday in May, in each year, the mayor shall nominate to the board of common council (if then in session, if not, then as soon thereafter as the board shall

Mayor to nominate certain officers, when.

be in session), for their advice and consent, the names of suitable persons to fill the several offices under the city government which are required to be filled by his appointment, with the advice and consent of that board, and not directed by ordinance to be nominated at some other time.

Proceedings on rejection of nominee.

SEC. 8. If any nomination, so made, be rejected, the mayor shall immediately make another nomination, who shall not be the same person as was rejected; *provided*, he shall not be requested by the council to renominate the same person. In case the mayor shall fail or refuse to nominate, as hereinbefore required, then the auditor is hereby instructed not to pay the officer holding over, after the common council shall have adjourned *sine die*, his salary. If the nomination is confirmed, the president and clerk of the board of common council shall certify the fact to the city register, who shall immediately notify the appointee thereof.

If confirmed notice to be given.

Mayor to fill certain vacancies.

SEC. 9. If a vacancy occur, while the council is in session, in any office which is filled by the mayor's appointment, the mayor shall immediately nominate a person to fill the same, who, when confirmed by the board, and qualified and commissioned, shall hold the office for the unexpired term thereof. If the council be not in session, the mayor shall appoint a person to fill the office until the next stated session of the council, when a nomination to fill the same shall be made.

Vacancy in elected office, how filled.

SEC. 10. If a vacancy occur in an elective office, the mayor shall appoint a person to fill the same until an election be held and a person be elected; and he shall, unless such vacancy occur within one hundred days before the time of holding a general election, immediately order a special election to fill the same.

Officer leaving city, office vacated.

SEC. 11. Any officer of this city who shall leave the same with the intention of residing thereout or to be absent therefrom, without the written permission of the mayor, shall thereby vacate his office, and the mayor shall order an election, or fill the same, as in case of any other vacancy.

Officers may obtain leave of absence.

SEC. 12. An officer desiring to be temporarily absent from the city shall apply to the mayor for leave of absence, which may, in the discretion of the mayor, be granted, in writing, for any time not exceeding twenty days; and, when granted, shall be filed with the register; and any officer who shall be absent from the city more than one week without such leave

Penalty for absence without leave.

shall forfeit and pay not less than ten nor more than one hundred dollars.

SEC. 13. If the mayor shall, at any time, intend to be absent from the city more than one week, he shall notify the president of the board of common council thereof, who, during the mayor's absence, shall exercise all his duties and powers. During the mayor's absence he shall receive no salary, but the salary of his office shall, for the time, be paid to the person acting as mayor.

Mayor to notify president of common council of intended absence.

Who to act as mayor in his absence.

SEC. 14. Every officer shall, upon going out of office, deliver to his successor all books, papers, furniture, and other things, appertaining to his office.

Officers to deliver books to successors

SEC. 15. Every officer shall, at all times when required, submit the books and papers of his office to the inspection of the mayor or comptroller, or any member of the council.

Officers to submit books for inspection

SEC. 16. The mayor, engineer, auditor, comptroller, treasurer, superintendent of the waterworks, recorder, and marshal, shall keep their offices in the city hall, or in such other place as the council, by ordinance, may provide.

Certain offices, where to be kept.

SEC. 17. Neither the city register, city auditor, city marshal, the city engineer, city treasurer, comptroller, nor the president of the board of assessors, shall, while holding office under the city, hold any other office established by this city or by any other authority, except that of notary public, and offices in the militia of this State (when not in actual service), or act as deputy of any officer, or engage in any business or avocation which will interfere with his giving full and constant attention to the duties of his office.

Certain officers to hold no other office, nor engage in other avocation.

SEC. 18. No officer of this city, nor any deputy, clerk, or employee of any such officer, nor any servant or agent of this city, shall, directly or indirectly, himself, or by another, for his own or another's benefit, deal in the purchase of city warrants, bonds, or other obligations of this city.

Officers not to purchase warrants.

SEC. 19. All officers who receive fees, in addition to a stated salary, as well as those who are entitled to receive fees or commissions only for their services, shall, at the opening of each stated session of the council, report to that body, under oath, the whole amount of fees and commissions received by them, respectively, during the preceding six months.

Fees received to be reported to common council.

SEC. 20. Any officer of this city who shall refuse, or willfully

Penalty for misconduct in office.



fail or neglect, to perform any duty enjoined upon him by law or ordinance, or shall, in the discharge of his official duties, be guilty of any fraud, extortion, oppression, favoritism, partiality, or willful wrong or injustice, shall forfeit and pay a sum not exceeding five hundred dollars, and may be removed from office.

Official term of officers.

SEC. 21. All officers of this city, unless otherwise provided by law or ordinance, shall hold office for one year, and until their successors shall be duly elected or appointed, and qualified; and their terms of office, where not otherwise directed, shall commence on the first Monday in June in each year.

Reports to be published and recorded.

SEC. 22. All reports which officers are obliged to make to the council shall be published; and all such reports and other official communications from city officers to the council shall be spread at large on the record of the board.

Officers to give information to successor.

SEC. 23. It shall be the duty of the old city officers to remain with their successors at least two weeks after they are qualified, and give them all information in their power relative to their respective offices, if so required; and, if they refuse so to do, they shall be deemed guilty of a misdemeanor, and subject to a fine of not less than one hundred dollars.

Penalty for refusing.

Certain officers may administer oaths.

SEC. 24. The mayor, register, auditor, comptroller, treasurer, clerk of the recorder's court, city engineer, superintendent of the waterworks, harbor-master, lumber-measurers, wood-master, market-masters, assessors, and collectors, are hereby authorized and empowered to administer oaths and affirmations in all cases relating to the several duties of said offices, respectively.

Office hours of certain officers.

SEC. 25. The comptroller, auditor, register, treasurer, register of waterworks, and president of the board of assessors, are directed to keep their respective departments open daily (Sundays excepted) for the transaction of business; and the presence of themselves or their first assistant is required therein from nine o'clock A. M. until four P. M.: *Provided, however,* That nothing herein contained shall be so construed as to prevent the register of water-rates from closing his office to the public at three o'clock P. M.

Advertisements for contracts to contain certain provisions.

SEC. 26. Whenever any of the city officers advertise to let out any contracts to the lowest and best bidder, they shall insert in said advertisement the following: "No bid will be received unless the person or persons offering to take the said contract

shall inclose in their proposal the obligation of himself and one responsible person, binding themselves to pay to the city of St. Louis the sum of two hundred dollars in case the said bidder or bidders shall refuse to take the contract at the price of their bid, in case the said contract shall be awarded to them."

SEC. 27. The officer or officers letting out the contract shall judge of the sufficiency of such bonds, and no bid shall be regarded by him or them as valid if the bonds shall be deemed insufficient. Sufficiency of bonds, who to determine.

SEC. 28. All bonds that may accompany bids under this ordinance shall be canceled and given up to the respective bidders, whenever the contract with any one of them shall be closed, and he shall have given bonds for the performance of said contract. Bonds, when to be canceled.

### ARTICLE III.

#### *Suspension and Removal of Officers.*

SECTION 1. The mayor shall have power to suspend from office any elective officer who shall willfully violate any of his official obligations. Mayor may suspend officers.

SEC. 2. Such suspension shall be effected by an order filed by the mayor with the register, accompanied with a statement of the charges upon which the same is founded, a copy of which order and charges shall be immediately delivered to the officer suspended; after which delivery such officer shall not exercise any of the duties of the office from which he shall have been suspended, under a penalty of not less than fifty dollars. Suspension, how effected.

SEC. 3. Immediately upon the suspension of an officer, the mayor shall appoint a person to fill the office for the time being. Penalty for acting after suspension.

SEC. 4. The charges preferred, as aforesaid, the mayor shall immediately lay before the council, if in session; if not, at its first meeting; and the council shall, without unnecessary delay, proceed to investigate such charges in the manner hereinafter provided. Vacancy created by suspension to be filled.

SEC. 5. Whenever every [any] officer shall have been suspended as aforesaid, or shall be charged with willful violation of any of his official obligations, or with culpable official negligence or dereliction of duty, or with conduct inconsistent with his official character and duty, or with official incompetency, the council shall appoint Charges to be laid before council.

Committee to inquire into charges.

a committee of two members to inquire into the truth of said charges; who, if they deem the same well founded, shall frame and report to the board charges and specifications against such officer; and the council shall appoint a day for hearing and determining the same.

**When to report charges.** SEC. 6. A copy of such charges and specifications, with a notice of the day set for hearing the same, shall be served on the accused at least five days before the day of hearing.

**Copy of charges to be served on accused.** SEC. 7. Upon the day so set the council shall meet and proceed, according to the rules of the board, to hear the evidence against and for the accused; adjourning from time to time, as may be necessary, until all the evidence shall have been given.

**Council to hear evidence.** SEC. 8. Within three days after the evidence shall have been taken, the council shall vote by ayes and noes upon each charge and specification, separately. The question upon each charge shall be: "Is the accused guilty?" If the council, by a two-thirds vote of the board, find the accused guilty of either of the charges, they may resolve that he be removed from office; and, if [they] so resolve, they shall notify the mayor thereof, who shall thereupon order an election, or appoint a person to fill such a vacancy, as the case may require.

**Vote on the charges.** SEC. 9. The proceedings of the council, as aforesaid, shall be entered at large on the journal of the board.

**Form of question.** SEC. 10. Subpœnas for witnesses to testify on any trial, as aforesaid, shall be issued by the president of the board of common council, and shall be served and returned by the city marshal, in like manner as if issued by the recorder, and the same fee shall be allowed him as for serving and returning subpœnas issued by that officer.

**Two-thirds necessary to convict.** SEC. 11. Any witness who shall neglect to obey such subpœna, or, appearing, shall refuse to testify, may be punished by imprisonment or fine, or both.

**Vacancy to be filled.** SEC. 12. Depositions of witnesses beyond the jurisdiction of the council, or disabled by sickness or other causes from attendance, may be read on the trial, if taken in conformity to the laws of this State. The notice of the taking thereof, when taken on behalf of the accused, shall be served on the city attorney, or, in his absence or disability to act, on the mayor.

**Proceedings to be recorded.** SEC. 13. Upon any trial had, as aforesaid, the accused shall

**Subpœnas, how issued and served.**

**Fees for serving subpœnas.**

**Penalty for disobeying subpœna.**

**Depositions to be read on trial, when.**

**Notice for taking depositions, how served.**

**Accused to be heard.**

be entitled to be heard by himself or counsel in his defense, and the city attorney shall attend the trial and prosecute on behalf of the city, unless he be accused, when the city counselor shall prosecute.

Who to prosecute.

SEC. 14. Witnesses upon such trial shall be entitled to the same fees as for attendance on the recorder's court.

Witnesses entitled to fees.

SEC. 15. When the accused is found guilty and removed from office, he shall be adjudged by the council to pay all costs of the trial, for which execution shall be issued by the president of the board. If acquitted, that officer shall certify the amount of the costs, and the names of the persons to whom they are due, to the auditor, who shall draw his warrant on the treasurer, in favor of each person, for the amount due him.

Costs of proceeding, how paid.

SEC. 16. No officer shall receive any salary during the time he shall be absent from the city without leave, or during the time he shall be suspended by the mayor for a supposed misdemeanor in office, nor until the council shall decide the case.

Officers to receive no salary, when.

SEC. 17. Nothing in the preceding section shall apply to any officer appointed by the mayor and approved by the board of common council; but all officers appointed the mayor shall have power to remove.

Appointed officers may be removed by mayor.

#### ARTICLE IV.

##### *Of the Deputies of Officers.*

SECTION 1. The city register, city comptroller, city treasurer, clerk of the recorder's [police] court, and city engineer, may, with the consent of the mayor, appoint one or more deputies, in addition to the deputy comptroller and auditor's clerk, allowed by ordinance, who shall be citizens of the United States and citizens of the State of Missouri, and not less than twenty-one years of age.

Certain officers may appoint deputies.

SEC. 2. Deputations shall be in writing, and filed with the city register; shall be revoked at the pleasure of the principal; and shall authorize the performance of ministerial acts only.

Deputations to be in writing. Revocable.

SEC. 3. The principal shall be liable for the acts of his deputies as if they were his own, and shall pay their salaries, unless when otherwise provided by ordinance.

Principal liable for deputies. Salaries.



## ARTICLE V.

*Official Bonds.*

Amount of  
bonds for differ-  
ent officers.

SECTION 1. The official bonds of the following officers shall be in the following sums, to-wit: The fund commissioner, one hundred thousand dollars; the comptroller, sixty thousand dollars; the auditor, register, engineer, counselor, marshal, and harbor-master, ten thousand dollars each; the treasurer, sixty thousand dollars; the collectors of the fifth and sixth wards, fifty thousand dollars each; all others, twenty-five thousand dollars each, with at least four sufficient securities; superintendent of waterworks, fifteen thousand dollars; the register of water-rates, ten thousand dollars;\* land commissioner, ten thousand dollars; president of the board of assessors, three thousand dollars; assistant assessors, two thousand dollars each; superintendent of workhouse, five thousand dollars; street inspectors, two thousand dollars; resident physician at city hospital, one thousand dollars; steward and matron of city hospital, one thousand dollars each; steward of quarantine, one thousand dollars; wood-master, two thousand dollars; chief engineer of the fire department, ten thousand dollars; chief operator fire-alarm telegraph, five thousand dollars; clerk of police† court, one thousand dollars; the market-masters of the City, the Center, and North markets, five thousand dollars each; the lumber-measurers, three thousand dollars; the city attorney, two thousand dollars; the weighers of hay and stone coal at the city scales, one thousand dollars each.

## ARTICLE VI.

*Salaries and Compensation.*

Salaries of dif-  
ferent officers.

Mayor and  
clerk.

SECTION 1. The several officers and employees hereinafter named shall receive the following compensation per annum for their services, to-wit: Mayor, four thousand dollars; mayor's secretary, fifteen hundred dollars;‡ comptroller, two thousand

\*The words "collectors of water-rates," in the original ordinance, are repealed by ordinance No. 5,488.

†The word "recorder's," in the original ordinance, is changed to "police" by ordinance No. 5,488.

‡The words "one thousand," in the original ordinance, are changed to "fifteen hundred" by ordinance No. 5,484.

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| and five hundred dollars; deputy comptroller, sixteen hundred dollars; comptroller's clerk, twelve hundred dollars; register, two thousand dollars; deputy city register, twelve hundred dollars; auditor, two thousand and five hundred dollars; auditor's clerk, one thousand and five hundred dollars; treasurer, two thousand dollars; clerk of city treasurer, nine hundred dollars; clerk of the board of common council, two thousand dollars, until the fiscal year commencing on the second Monday in April, 1865, after which, fifteen hundred dollars; superintendent of waterworks, two thousand and five hundred dollars, payable out of waterworks fund; register of water-rates, two thousand and five hundred dollars, payable out of waterworks fund; city engineer, three thousand dollars; two assistant engineers, each eighteen hundred dollars; book-keeper to city engineer, eleven hundred dollars; draughtsman, twelve hundred dollars; three superintendents of streets, each one thousand dollars; five street inspectors, each nine hundred dollars; harbor-master, two thousand dollars; three deputy harbor-masters, each nine hundred dollars; city attorney, two thousand and five hundred dollars; recorder, two thousand and five hundred dollars; clerk of police* court, thirteen hundred and twenty dollars; city marshal, fifteen hundred dollars; three deputy marshals, each nine hundred and fifty dollars; chief engineer of the fire department, two thousand dollars; two assistant engineers fire department, one of whom shall, in addition to his other duties, act as secretary of the board of fire engineers, each fourteen hundred dollars; engineers of fire engines, each eleven hundred dollars; stewards, drivers, and firemen of engines, each eight hundred and forty dollars; sergeant-at-arms, nine hundred dollars; messenger boy, three hundred dollars; health officer, eighteen hundred dollars; clerk of board of health, one thousand dollars, payable monthly, out of appropriation for health department; resident physician at hospital, fifteen† hundred dollars; superintendent of workhouse, twelve hundred dollars; city counselor, eighteen hundred dollars; land commissioner, fifteen hundred dollars; fund commissioner, five | Comptroller and clerks.<br>Register and deputy.<br>Auditor and clerk.<br>Treasurer and clerk.<br>Clerk of council<br>Waterworks.<br>Register of water rates.<br>City engineer and officers.<br>Street inspectors.<br>Harbor master and deputies.<br>City attorney.<br>Recorder and clerk.<br>City marshal and deputies.<br>Officers of fire department.<br>Sergeant-at-arms and messenger.<br>Health officers.<br>Physicians.<br>Superintendent workhouse.<br>Counselor.<br>Land commissioner. |
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\*The word "recorder's," in the original ordinance, is changed to "police" by ordinance No. 5,488.

†The word "twelve," in the original ordinance, is changed to "fifteen" by ordinance No. 5,484.

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|------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Fund commissioner; inspector of vehicles; assessors. | hundred dollars; inspector of vehicles, eight hundred dollars; president of board of assessors, two thousand and five hundred dollars; five assessors, each nine hundred dollars; first clerk to assessor, twelve hundred dollars; second clerk to assessor, one thousand dollars; third clerk to assessor, nine hundred dollars; weighers of north and south levee coal scales, each nine hundred* dollars; market-masters of the City, Center, and North markets, each eight hundred dollars; wood-master, one thousand and twenty dollars; manager of fire-alarm telegraph, fourteen hundred dollars; three assistant operators, each eleven hundred dollars; the members of the board of health shall each receive two dollars for each meeting, when present, and no excuse for absence shall entitle a member to receive the per diem, or any allowance, when so absent from a meeting of the board; quarantine physician, twelve hundred† dollars; engineer of city hospital, six hundred dollars, payable monthly, out of appropriation for health department; one foreman at workhouse, five hundred and forty dollars; one gate-keeper at workhouse, who shall keep the books, nine hundred dollars; four overseers, each seven hundred dollars; seven guards at workhouse, each seven hundred dollars. The members of the committee on waterworks, committee on streets and alleys, the board of fire engineers, committee on sewers, and committee on workhouse, shall each receive a compensation of two dollars, and the committee on house of refuge of two dollars and fifty cents, for each meeting at which he is present; and no excuse for absence shall entitle a member to receive any compensation. The compensation of the members of the common council shall be two hundred and fifty dollars for each regular session, from which the sum of five dollars shall be deducted for each day on which any member shall be absent, without leave of the president or board, from any meeting during a regular session. The clerk of the common council shall certify to the auditor, at the close of each session, the number of days, if any, at which each member was absent. For each called session the members shall be entitled to a compensation of three dollars for each day at which they |
| Weighers.                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Market-masters.                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Wood-master.                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Officers of fire alarm telegraph.                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Board of health.                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Quarantine physician.                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Engineer of hospital.                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Officers at workhouse.                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Members of committees.                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Members of common council.                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

\*The words "seven hundred and twenty," in the original ordinance, are changed to "nine hundred" by ordinance No. 5,484.

†The words "one thousand," in the original ordinance, are changed to "twelve hundred" by ordinance No. 5,484.

were present, to be certified to the auditor by the clerk. The translator shall receive a compensation of twenty-five cents for each square of sixteen lines, nonpareil type, translated by him. Translator.

SEC. 2. The salaries specified in the first section of this article shall be in full compensation for the services of each officer and employee therein named; and all fees or commissions, of whatsoever character, paid to or authorized to be collected by them, or either of them, or by any other officer or employee of the city, shall be paid into the city treasury on the Saturday of each week. Salaries to be compensation in full; fees to be paid into treasury.

SEC. 3. The word "officer," whenever used in the ordinances of the city, shall be construed as meaning all persons elected by the people of the city (except members of the council), and all persons appointed by the mayor, subject to the approval of the council, who shall have been commissioned and qualified under any ordinance of the city. Term "officer" construed.

Approved, September 9, 1864.

(No. 5399.)

## ENGINEER DEPARTMENT.

### AN ORDINANCE ESTABLISHING AND REGULATING THE ENGINEER DEPARTMENT.

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*Be it ordained by the Common Council of the City of St. Louis.*

# ARTICLE I.

## *City Engineer.*

SECTION 1. A department of the city government is hereby established, to be styled the "Engineer Department," which shall embrace the city engineer, his deputies and assistants. The city engineer shall be well skilled in the sciences of civil engineering and building, and the practical application thereof.

Engineer department established.

Qualifications of engineer.

SEC. 2. He shall take the oath of office required of other city officers, with this addition: that he is not, and will not, during his continuance in office, be directly or indirectly concerned or interested in any contract made with this city for any public work.

Oath to be taken by.

SEC. 3. It shall be the duty of the city engineer, in addition to duties enjoined on him by the city charter: *Firstly*, to see to the protection and improvement of the harbor of the city and the removal of obstructions therefrom; *secondly*, to cause to be carried into effect all ordinances of the city concerning streets, alleys, and other public places; superintending and controlling the opening, improvement, and repairing thereof, preventing all obstructions thereto, and removing the same therefrom; *thirdly*, to preserve in his office all maps, plans, surveys of the city, harbor, and common, with all records, books, papers, and other things relating thereto; *fourthly*, to keep full and accurate accounts of all receipts and disbursements made under his supervision, and a systematic record of all transactions relative to this department; *fifthly*, to report to the council, on the first day of each stated session thereof, a general abstract of all the operations of this department during the previous portion of the fiscal year, the amount of work executed and remaining to be executed, the disbursements, the amount remaining to be disbursed, and such other information as he shall deem of interest to the city, or the council may require; *sixthly*, to number all blocks within the city; *seventhly*, to make all plans and estimates for all works constructed by or under authority of the city; *eighthly*, to do all other lawful acts relating to matters placed particularly under his charge, and which may be necessary for the efficient working of this department.

Duties of engineer.

SEC. 4. The engineer shall give the grade and lines of street and alleys that are unimproved to all persons applying therefor,

To give lines and grade of streets.



who shall make a written description of the property, and shall state that it is their intention to set their curbstones and lay pavements immediately thereon ; and the city engineer shall give such grades to such persons free of cost ; but no such grade shall be given where the grade is not established by ordinance. The engineer shall also furnish the necessary information for ascertaining the grades of streets and alleys where persons desire to build, and where the grades are established by ordinance.

To let contracts.

Proceedings before letting.

SEC. 5. All public works ordered by the city, unless otherwise directed, shall be let by the city engineer to the lowest and best bidder. Notice of the letting out of any such work shall be published, not less than three times, in the newspapers employed by the city, and copies thereof posted up, in handbill form, in at least twenty public places, more or less, according to the discretion of the city engineer, in each ward, at least ten days before the day appointed for the opening of the bids. Said notice shall state the nature of the work, the place where the specifications may be seen, and the time when the bids will be received: *Provided, however,* That nothing herein contained shall be construed as repealing any of the provisions of the ordinance regulating the letting of contracts.\*

How bids shall be opened.

SEC. 6. Bids for such work shall be signed by the bidder, inclosed in a sealed envelope, and not opened until the day fixed in the notice, and then only in the presence of the mayor and city engineer.

What bidders shall state.

SEC. 7. Each bid shall be accompanied with a statement, signed by the persons offered by the bidder as securities, declaring their willingness to become such securities in the event of this contract being awarded to the bidder ; and shall also be accompanied with a bond to the city of St. Louis, in the sum of two hundred dollars, signed by the bidder and a responsible security, conditioned that the bidder, if his bid be accepted, shall enter into a written contract to do the work bid for according to the terms of his bid, at such time as the city engineer or officer having charge of the work may require. All bidders must designate their residences on the bids made.

When bids shall be opened.

SEC. 8. Bids shall be opened by the city engineer on the day notified, at the hour of twelve o'clock, noon, in the presence of

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\*The original proviso of this section was changed to its present form by ordinance No. 5,487, approved January 24, 1865.

the mayor, and the lowest and best bid shall be accepted if the securities offered be approved.

SEC. 9. The performance of all contracts let out as aforesaid shall be secured by at least two responsible securities, to be approved by the mayor, in double the contract price of the work ; except in cases where the estimated cost exceeds one thousand dollars, in which case the amount of security shall be determined by the mayor and city engineer, or by the mayor and superintendent of the waterworks, when the contract relates to the waterworks.

Security for performance of contract.

SEC. 10. If the person whose bid is accepted fail to enter into contract as aforesaid, the city engineer may award the contract to the next lowest bidder, or advertise for new proposals, as in his judgment may be best for the interests of the city.

Proceedings when bidder fails to contract.

SEC. 11. Any bidder failing to enter into contract as hereinbefore required, or to fulfill any contract entered into by him with the city, shall not be allowed to bid again, directly or indirectly, for any city work, unless, for good cause shown, the common\* council removes this disability.

Penalty on bidder's failing to contract.

SEC. 12. All contracts, after being drawn up, shall be submitted to the city counselor, or, in his absence or disability to act, to the city attorney, for the approval of the form thereof ; after receiving which they shall be submitted to the common\* council for its approval, which, when given, shall be endorsed thereon ; after which they shall be recorded in the city engineer's office, and copies thereof shall be furnished to the city auditor, and to the superintendent of waterworks, if they relate to the waterworks.

How contracts shall be approved.

SEC. 13. The city engineer shall report to the mayor or common\* council all violations of any contract, and may suspend the execution thereof when the contractors fail to comply with the terms thereof, or with the directions of the city engineer in relation to or consistent therewith.

Powers of engineer on violation of terms of contract.

SEC. 14. Every contract entered into by the city engineer, as aforesaid, shall contain a clause stating that the same is entered into subject to existing ordinances of the city, and to the power of the city engineer to suspend or annul the same for a failure on

Clause to be inserted into each contract.

\* The word "city," in sections 11, 12 and 13, as contained in the original ordinance, are changed to "common" by ordinance No. 5487, approved January 24, 1865.

the part of the contractors to fulfill the same ; but that such suspension or annulment shall not affect the rights of the city to all damages and penalties claimable by it on account of the contractor's failure.

Work of contractors to be certified by engineer.

SEC. 15. The city engineer shall examine all accounts of contractors for work done under his supervision, and, if correct and chargeable to the city, he shall certify the same to the auditor for payment ; but no account shall be certified where the contractor has failed to comply with the terms of his contract ; nor shall any account be certified in advance of the performance of the work ; and all final estimates shall contain a full description of work done, as far as practicable, in such manner as best to assist the auditor of accounts in judging of their correctness.

What accounts shall not be certified.

Papers, etc., in engineer's office open to inspection.

SEC. 16. The maps, plats, books, and papers, in the office of this department, shall be subject to examination by any person seeking information therefrom, under such regulation as the proper officer may prescribe.

## ARTICLE II.

### *Employees.*

How employees may be appointed.

SECTION 1. The city engineer shall, with the approbation of the mayor, employ suitable and competent persons to act as assistant engineers, clerks, draughtsmen, superintendents, and field hands, who shall receive, as compensation for their services, such sum as may be agreed on by the mayor and city engineer, payable, on the certificates of the engineer, out of appropriations for engineer's department.

How paid.

Employees to be under engineer's direction

SEC. 2. The said employees shall be under the direction of the city engineer, and shall perform such duties as the city engineer shall direct ; and he may, whenever in his opinion the interests of the city will be subserved thereby, dismiss, with the consent of the mayor, any of the said employees, and employ others in their stead.

How dismissed.

Employees to do no private work during business hours.

SEC. 3. No employee of this department shall, during business hours, perform any work of a professional character for his own emolument ; and any employee so offending shall be immediately dismissed, and shall forfeit all claims to the unpaid portion of

Penalty.

his salary, and shall not be re-employed unless by permission of the council.

SEC. 4. The employees of this department shall return to and deposit in the engineer's office all field notes, measurements, books, and other documents, pertaining to the business of this department, and which shall remain on record as the property of the city.

Employees to return certain documents.

SEC. 5. The city engineer, with the approbation of the mayor, shall employ, temporarily, such mechanics, laborers, and other persons, as the public service may require, and he shall certify their accounts to the auditor, specifying to what fund each amount is properly chargeable.

Engineer may appoint mechanics, etc.

How paid.

SEC. 6. The city engineer shall report to the council, at the commencement of each stated session thereof, the names, occupations, and salaries, of all the permanent employees of this department.

To report names, etc., of employees.

SEC. 7. The city engineer shall divide the city into convenient districts, for each of which he shall employ, with the approval of the mayor, a competent person to act as superintendent of streets. They shall be citizens of the United States, and, before entering upon the discharge of their duties, shall each give a bond to the city, with one or more securities, to be approved by the mayor, in the sum of two thousand dollars, conditioned for the faithful performance of the duties required of them, and take an oath faithfully to demean themselves while in the employ of the city.

To appoint superintendents of streets

Qualifications of superintendents.

What bond to give.

What oath to take.

SEC. 8. The said superintendents of streets shall each receive, for their services, one thousand dollars per annum, payable monthly, out of appropriations for repairs of streets, on the certificate of the city engineer.

Salary of superintendents.

How paid.

SEC. 9. The said superintendents of streets shall, in all matters, act under the directions of the city engineer, and personally superintend the making of repairs on streets and other highways ordered by him, and also the workmen necessary therefor; to oversee and inspect all works on streets done by contract; keep correct accounts of the time of the men and the work, when not done by contract, and generally perform such other duties as he shall require of them, within their respective districts, and make

Duties of superintendents.



report thereof to the city engineer at such times as he shall require.

Further duties  
of superintend-  
ents.

SEC. 10. The said superintendents shall examine the state of all streets and sidewalks within their districts, from time to time, and report to the city engineer such as need repairing; and generally follow such directions and observe such regulations as he shall establish touching the performance of the duties required of them respectively.

May be dis-  
charged.

SEC. 11. The city engineer may discharge from the service of the city either or all of said superintendents, whenever, in his opinion, the interests of the city require it, and employ others instead.

### ARTICLE III.

#### *Public Highways.*

Cost of improv-  
ing streets.

SECTION 1. Whenever the common council shall, by ordinance, direct the improvement of any street, alley, or other public highway, the city engineer shall immediately contract for the work, to be done in the usual manner, which shall be paid for as follows: The cost of grading and paving all alleys within the city, and the cost of grading, curbing, and paving all sidewalks within the old and new limits thereof, and the cost of macadamizing and paving carriage-way and gutters, and the curbing and paving of sidewalks, within the extended new limits of the city, shall be charged as a special tax against the property fronting upon or adjoining the work done, as hereinafter provided, and the cost of the balance of the work shall be paid for by the city.

To whom charge-  
able.

To be special  
tax upon prop-  
erty.

Curbstones to  
be set and side-  
walks paved,  
when.

SEC. 2. Whenever the council, by ordinance, shall have directed the grading and macadamizing of the central portions of any public highway, the city engineer shall, by publication five times in the papers doing the city printing, notify the owners of property fronting upon such public highway to set the curb stone and pave the sidewalks within thirty days, in the manner which he shall direct; and in case they fail to do so, then the city engineer shall cause the same to be done, and charged as a special tax against them, at their cost.

Cost of repair-  
ing streets.

SEC. 3. It shall be the duty of the city engineer to keep in good repair all alleys and other public highways within the city.

The cost of repairing and reconstructing all alleys, curbing and paving of sidewalks, and gutters alongside thereof, and the repaving of the carriage-ways of all public highways, shall be charged as a special tax against the owners or occupants of the property fronting thereon, as hereinafter provided for; the cost of repairing the macadamized portion of the carriage-ways of public highways, and the paved carriage-ways of the wharf, shall be borne by the city.

How chargeable

SEC. 4. All special taxes assessed for work done on streets, alleys, public highways, and other ways, except for work done under contracts entered into prior to February fifteenth, eighteen hundred and sixty-four, and for work done in the construction of district sewers, shall be assessed and collected as follows, viz: Whenever any piece of work shall have been fully completed under authority of ordinance, the city engineer, or other officer having charge of the work, shall assess the cost thereof as a special tax against the property by law made chargeable therewith, in proportion to the per centage thereof, in such manner as said officer shall deem just and equitable; and the bills of such assessment shall be made out, against each lot of ground made chargeable therewith, in the name of the owner thereof; and the bills, when so made out, shall be certified by said officer, and shall be delivered to the auditor of the city of St. Louis, to be collected in the same manner and under the same regulations as other city taxes are collected. When the special tax bills for each price [piece] of work shall have been collected, and the money paid into the city treasury, the auditor shall draw his warrant upon the treasurer, in favor of the contractor of the work, for the amount that may be due him for the work, together with the interest and penalties, as collected and paid into the treasury, less the cost of collection on account of the bills for such work. If said special tax bills shall not be collected and paid into the treasury within fifteen months from the time they shall be delivered to the city auditor, then the city auditor shall draw his warrant upon the treasurer, in favor of the contractor of the work, for the amount that may be due him, with interest, and shall take the receipt of such contractor therefor, assigning his claim for such work to the city of St. Louis.

Manner of collecting special tax bills for work on streets.

SEC. 5. No porch, gallery, platform, steps, or other fixture,

Buildings not to extend into sidewalk more than certain distance.

shall be allowed to extend into or on any part of the sidewalks of this city more than two feet six inches, where the sidewalk is of ten feet in width, or less; nor more than three feet where the sidewalk is of more than ten feet in width; nor shall any fixture extending more than said distance upon any sidewalk of the width aforesaid, or any building or fence standing on any street, alley, or other highway, be repaired.

Cellar-doors, how to be constructed.

SEC. 6. Cellar-doors shall be made under the direction of the city engineer, and no larger than the business of the occupant of the premises requires; nor shall any cellar-door extend more than one and a half inches above the frame, including the hinge.

Grates, etc., how far to extend into sidewalk.

SEC. 7. No cellar, grate, or window curbing, shall extend into or upon any sidewalk or street more than eighteen inches; and no uncovered openings shall be permitted in the sidewalks.

Street inspectors to report certain violations.

SEC. 8. It shall be the duty of the street inspectors to report any violation of the provisions of sections five, six, and seven, of this article, in their respective districts, to the city engineer, who shall, upon the receipt of such report, notify the owner or occupant of the property, in front of which the sidewalk needs alteration, to have the same done within thirty days from the time said notice is given; and, in case said owner or occupant shall fail to do said work in the time specified, the city engineer shall proceed to have the same done at the cost of the said owner or occupant, to be assessed and collected as hereinbefore provided for other special taxes.

Engineer to cause alterations to be made.

Cost of such work, how collected.

How shade-trees may be planted.

SEC. 9. Shade-trees may be planted near the curbstones of the sidewalks, under the supervision of the city engineer: *Provided*, same shall not be planted over eighteen inches inside of the curbstone.

No wheel-barrow to be trundled on sidewalk.

SEC. 10. No person, otherwise than in passing in or out of their premises, shall trundle any wheel or hand barrow, or hand cart, upon any paved sidewalk, except on Front street.

Penalty for certain offenses.

SEC. 11. Whoever shall violate any of the provisions of the preceding six\* sections of this article shall be deemed guilty of a misdemeanor, and subject to a fine of not less than ten nor more than one hundred dollars.

SEC. 12. Any person or persons shall be, and they are hereby,

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\*The word "five," in the original ordinance, is altered to "six" by ordinance No. 5487, approved January 24, 1865.

authorized, under the supervision of the city engineer, and at their own proper cost and expense, to make permanent and substantial footways across any of the public thoroughfares of the city, at any point or crossing that they may deem it to their interest or convenience to do: *Provided*, in the opinion of the engineer, such improvement shall not be of inconvenience to the public or public carriage-way.

Footways may be constructed across public thoroughfares.

SEC. 13. If it is proposed to make a footway across any macadamized street, it shall not be less than three feet wide, to be done with stone on edge, the stone not to be less than ten inches deep, nor less than six inches every way across the face; and the engineer, at the time of advertising for proposals to macadamize any street, shall, at the same time, advertise for proposals for such footways.

Manner of constructing footways.

When engineer to advertise for proposals for footways.

SEC. 14. All curbstones, or curbing set upon any street, avenue, or other highway, except on First street or the wharf, shall not be less than four inches in thickness on the front edge or top, and shall be set in the ground at least twelve inches below the surface of the pavement. The curbstones or curbing set on the wharf shall not be less than six inches thick on the top, and shall be set in the ground not less than eighteen inches below the surface of the pavement.

How curbstones shall be set.

SEC. 15. All streets and alleys on which sewers are built, except the main sewers built at the general expense of the city, shall, immediately after the completion of the sewers, be paved with stone on edge, if deemed necessary by the city engineer; and said pavement shall be considered as constituting a necessary part of the sewer work, and its cost charged accordingly.

Streets to be macadamized after building sewer.

Cost, how charged.

SEC. 16.\* The city engineer is required to make a thorough repair of all streets or alleys, or parts of streets or alleys, that are impaired by laying water-pipe in such streets or alleys; and he shall, in all instances, see that such repairs are carried on until the earth is entirely settled in the street, and the new covering is fully incorporated and conforms with the proper cross grade of the street. The cost of these repairs shall be considered a part of the pipe-work, and chargeable to the fund of the waterworks.

Streets to be repaired after laying water-pipes.

Cost, how charged.

SEC. 17. In all instances where the gaslight company author-

\*The word "that," at the beginning of this section, in the original ordinance, is repealed by ordinance No. 5487, approved, January 24, 1865.



Streets to be repaired after laying gas-pipe.

ize or cause an opening of any part of any street or alley of the city, for the purpose of putting down pipe, or for any other purpose, it shall be the duty of said company to repair the street or alley, and place it in as good condition, in the opinion of the city engineer, as it was before the excavation or opening was made in the street; and the repairs must be continued, as circumstances may require, until the earth is completely settled, and the grade of the street conforms to the proper cross section of the street; and it is also made the duty of the city engineer to cause any repairs which, in his opinion, are not complete, to be completed; and the cost of such repair by the city engineer shall be deducted from the payment due by the city for lighting of the streets.

Cost, how charged.

When mayor shall cause wooden pavement to be laid in streets.

SEC. 18. Whenever a petition representing a major portion of the property fronting on any street, between two intersecting streets, shall be presented to the mayor, asking for the repavement of such street with wooden pavement, he shall instruct the city engineer to cause the work asked for to be done under contract, in the usual manner. The mayor is hereby authorized to sign such petitions in behalf of the city, whenever she is the owner or occupant of property fronting upon the street sought to be so repaved. All such petitions shall be filed with the register as soon as the same shall have been acted upon.

Petitions, mayor may sign for city.

Mayor shall cause certain streets to be repaved with wooden pavement.

SEC. 19. In that portion of the city bounded on the north by the north side of Carr street, on the west by the east side of Ninth street, on the south by the south side of Poplar street, and on the east by the levee, the mayor is hereby authorized to cause the carriage-ways of the streets thereof to be repaved with wooden pavements, wherever and whenever he shall deem it necessary; and he may instruct the city engineer to cause any street or portion of street, within the above-described limits, to be so repaved, under contract, which shall be let [out] in the usual manner.

Cost of above work, how assessed and collected.

SEC. 20. The cost of all work done under authority of the preceding two sections, except as provided for in the next section, shall be assessed and collected as a special tax against the property, or owners thereof, fronting upon the work done, according to charter and ordinance.

SEC. 21. Whenever the city of St. Louis, as the owner or

occupant of property, shall become charged with the cost of any work done under the provisions of the three preceding sections of this ordinance, the auditor shall pay the same, and charge it to appropriations for streets and alleys. On streets where horse-railroad tracks have been made, the cost of the work done, under authority of the three preceding sections of this ordinance, between the rails of said tracks, and for two feet in width on each side thereof, shall be assessed as a special tax against the railroad company owning said tracks, in the same manner as such taxes are assessed against other property holders.

Liability of city for cost of above work.

Liability of street railroads for cost of such work.

SEC. 22. All renewal of the covering surface of the streets, from the north side of Carr street to the south side of Plum street, between the east side of Sixth street and the river, shall, unless repaved as provided in the eighteenth and nineteenth sections of this article, be done with pavement with stone on edge, unless otherwise ordered by the council.

Certain limits, how streets in to be covered.

SEC. 23. The cost of such paving shall be borne by the owners of property fronting on the street so repaired, and shall be assessed and collected in the same manner as provided in the fourth section of this article.

Cost of such work, how charged.

SEC. 24. It shall not be competent for the city engineer to improve the streets, or any of them, in the manner described in sections eighteenth and twenty-second of this article, without the written authority of the mayor of the city so to do.

Authority of mayor necessary for certain work.

SEC. 25. All broken rock to be hereafter spread on the surface of any street, alley, or highway, in the city of St. Louis, shall be of the best description that can be procured in the vicinity of the city, which, in the opinion of the city engineer, is best adapted to such purposes; and they shall be broken so that the largest will pass through a two-and-a-half-inch ring, in all of their diameters.

Description of rock to be used for macadamizing.

SEC. 26. All paving stones hereafter to be used for paving, with stone on edge, any street, or any principal alley within the business part of the city, through which heavy carts have to pass, shall be of the best quality that the vicinity of the city affords; and they shall be dressed on the tops, sides, and end faces, so as to make close joints throughout, and a full and square bottom; and the stone shall have a bed of sand properly prepared for its reception, of a depth of not less than ten inches.

Description of stone to be used for paving.

When and where  
awnings may be  
erected.

SEC. 27. It shall be lawful for any person to erect awning-posts on any street (and none others) of twelve feet or more of sidewalk, as established by ordinance, except Front and Main streets: *Provided*, the same shall not be less than four nor more than seven inches at the center in diameter, except when made of iron; the same to be round and painted with at least three coats of white paint, and to be placed close within the curb; *and provided further*, that awnings and awning-posts of cast iron may be erected on Main street and other streets prohibited, if a written permit is obtained from the city engineer for the erection of the same, specifying the kind of awning, hight and size of posts, etc., and that the awnings be put up strictly in conformity with such permit; *and provided further*, that such permit shall in no case be granted by the city engineer, unless the owners representing a major part of the property fronting on the street in the block where the awning or awning-posts are proposed to be erected shall petition for the same.

Hight and size  
of awning posts  
and boards.

SEC. 28. The hight of said posts shall not be less than ten feet from the pavement, and the awning shall extend entirely over the sidewalk on which they are constructed; the front boards or cornice, and end board, not to be more than one foot wide.

To be erected  
under direction  
of engineer;  
pavement to be  
repaired; pen-  
alty for failure.

SEC. 29. Awning-posts shall only be erected under the superintendence of the city engineer, and the pavements shall be neatly repaired at their base immediately after they are erected, under a penalty of five dollars for a failure herein, to be sued for and recovered of the party ordering the same to be erected.

Remedy against  
awnings ob-  
structing high-  
way.

SEC. 30. If complaint in writing, by any person or persons, shall be made to the city engineer, to the effect that the erection of any awning or awning-posts interfere in any way with the public convenience, or the free and uninterrupted passage of any street or sidewalk, or with the convenient transaction of business, the city engineer shall forthwith make personal examination of the matter set forth in such complaint; and if, in his opinion, such complaint is well founded, he shall, without delay, give notice thereof, in writing, to the owner of such awning or awning-posts, or person who caused the same to be erected, and require the removal of such awning or awning-posts within five days after service of such notice; and if such owner or person, after being served with such notice, shall neglect or fail to remove such

awning or awning-posts within five days thereafter, he or they shall be deemed guilty of a breach of this ordinance, and be subject to a fine of not less than ten nor exceeding fifty dollars, to be sued for and recovered before the recorder, as in other cases of breach of ordinance of the city.

Penalty for disobeying engineer's notice to remove awning.

SEC. 31. It shall be the duty of the street inspectors, the inspector of buildings and fires, and the police, to report to the city engineer all persons who shall have erected, or who shall have in the course of erection, any awning-post prohibited by this ordinance; and it shall be the duty of the city engineer to give notice to the owner or occupant of the premises to remove said awning-posts, so erected, within five days.

Duty of certain officers to report awnings in violation of ordinance.

SEC. 32. If, on receipt of such notice, a copy of which shall be left on the premises, the said awning-posts are not removed within five days, the said engineer shall report the owner or occupant of the premises to the recorder; and, on proof of the facts that said buildings or awning-posts are erected contrary to ordinance, the said owner or occupant shall be fined in a sum not less than twenty nor more than one hundred dollars, with the addition of ten dollars per day for each and every day the said buildings or awning-posts shall be allowed to remain after the expiration of the five days' notice.

Proceedings on failure to obey engineer's notice.

Penalty.

SEC. 33. Upon a second conviction, for the same offense, of any party, under this article, the fine shall be doubled, and the penalty for permitting the building or awning-posts to remain shall be twenty dollars a day.

Penalty for second offense.

SEC. 34. The city engineer may, when requested, grant permits for the construction of vaults under sidewalks, the mode of constructing which shall be directed by him, and he shall see that the same are constructed according to the terms of the permit.

Vaults may be constructed under sidewalk; how.

SEC. 35. Whenever the owners representing a majority of the property fronting upon an alley shall petition the mayor to cause the same to be graded and paved, or repaved, he shall instruct the city engineer to contract in the usual manner for the work so petitioned for, and he shall submit the contract to the council for approval; and, if the contract shall be approved, he shall cause the work to be done immediately thereafter. The petition for paving alleys shall be attached to the contracts, and shall be carefully preserved in the city engineer's office. The cost of the

When engineer may cause alleys to be paved or repaired.

Cost, how assessed.



work provided for in this section shall be assessed as a special tax upon the owners of the property fronting upon the work done, in accordance with charter and ordinance.

#### ARTICLE IV.

##### *Offenses Concerning Streets and Private Property.*

Driving on sidewalk.

Fastening animals to public property.

Excavations in highways without protection.

Not inclosing excavations.

Leaving vaults uncovered.

Causing water from eaves to be spread over sidewalks.

SECTION 1. Whoever shall, in this city, lead, ride, drive, or place any beast of burden or vehicle on any paved sidewalk or footway, otherwise than going into or out of premises owned or occupied by him or his employer, or shall hitch or fasten any animal to a fire-plug or hydrant, or to any railing, fence, or ornamental or shade tree, lamp-post, or awning-post, not belonging to him or his employer, shall be deemed guilty of a misdemeanor.

SEC. 2. Whoever shall, in this city, dig, or cause to be dug, any excavation in or adjoining any highway, thoroughfare, or other public place, and shall not, during the night, cause the same to be fenced in with a substantial fence at least three feet high, the boards or rails of which shall not be more than one foot apart, shall be deemed guilty of a misdemeanor.

SEC. 3. Any citizen or contractor for public work who shall make an excavation in any highway or thoroughfare, and shall not cause poles or timbers, raised at least three feet above the ground, to be so placed as to prevent persons, animals, or vehicles from falling into the same, shall be deemed guilty of a misdemeanor.

SEC. 4. Whoever shall, in this city, dig, or cause to be dug, in any highway, thoroughfare, or sidewalk, a vault, and shall not arch or cover the same over, and secure the grating or covering of the opening thereof in such manner as to prevent persons, animals, and vehicles, from falling therein, shall be deemed guilty of a misdemeanor.

SEC. 5. Whoever, owning or occupying any building in this city, shall not cause the pipes conducting the water from the eaves of the building to be so constructed as not to spread the water over the sidewalks, shall be deemed guilty of a misdemeanor.

SEC. 6. Whoever, in this city, shall keep or leave open any

cellar-door, or grating of any vault, on any highway, thoroughfare, or sidewalk, or shall suffer any such door or grating, belonging to premises occupied by him, or any such place, to be in an insecure condition, whereby passers may be in danger of falling into a cellar or vault, shall be deemed guilty of a misdemeanor.

Leaving open cellar-door or vault.

SEC. 7. Whoever shall, in this city, set up, or cause to be set up, any sign, sign-box, or fixture, which shall extend over or upon any sidewalk more than eighteen inches from the building line or inside of said sidewalk, unless such sign, box or fixture be placed on the top of awning, the boards thereof not exceeding eighteen inches in width, and the lettering not less than ten inches high; or shall construct any bow-window to project more than eighteen inches from the building line; or shall suspend any merchandise or other article in front of any house, more than eighteen inches from the wall thereof (if less than eight feet above the pavement), or more than two feet from the wall at any height above the pavement; and whoever shall place or throw, or cause to be placed or thrown, upon any highway, thoroughfare, sidewalk, or public place, any article whatever, so as to obstruct or otherwise encumber the same; or shall, upon any such place, expose or offer any merchandise or other property, for show or sale, by auction or otherwise, shall be deemed guilty of a misdemeanor: *Provided*, that nothing in this section shall be so construed as to prevent merchants or manufacturers from occupying with their wares eighteen inches of the inside of the sidewalk, where said sidewalk is eight feet or less in width; twenty inches, if over eight and less than ten feet wide; and two feet if the sidewalk is ten feet or over in width. Nor shall this section be so construed as to prevent merchants from occupying a greater space on the sidewalk when receiving or shipping goods, if said goods are not permitted to remain more than eight hours, and at least one-half of the sidewalk is at all times kept clear for passengers; *And provided further*, that no person shall be prevented from occupying, for building purposes, so much of any street or sidewalk, for a reasonable time, as may be assigned by the chief engineer of the fire department.\*

Signs projecting into sidewalk.

Bow-windows extending on to sidewalk.

Suspending merchandise over sidewalk.

Obstructing highway.

Exposing merchandise for sale in highway

Merchants may occupy part of sidewalk.

Part of street may be used for building materials.

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\*The words "street inspector," in the original ordinance, are changed to "chief engineer of the fire department" by ordinance No. 5487, approved January 24, 1865.

Hoisting articles over thoroughfare.

Penalty.

Injuring public property.

Casting coal or firewood on sidewalk.

Obstructing highway with vehicle.

Police to carry this section into effect.

Owners and occupants to keep sidewalks clean.

SEC. 8. Any person in this city who shall hoist on the outside of any building, over any thoroughfare thereof, any merchandise, grain, or building or other material or article, shall be deemed guilty of a misdemeanor, and shall be subject to a fine of not less than ten dollars for each and every offense.

SEC. 9. Whoever shall, in this city, willfully cut, hack, or otherwise injure any lamp-post, awning-post, sign, fire-plug, hydrant, ornamental or shade tree, railing, fence, or other inclosure, or any property belonging to the city, shall be deemed guilty of a misdemeanor.

SEC. 10. Whoever shall, in this city, cast, throw, or place upon any paved sidewalk, any stone-coal or firewood, or shall saw, or permit to be sawed, any firewood upon such sidewalk, shall be deemed guilty of a misdemeanor.

SEC. 11. If any wagoner, carter, drayman, or the driver of any carriage, sleigh, sledge, buggy, furniture-car, or any other vehicle for pleasure or burden, shall stop or place any such cart, wagon, dray, carriage, sleigh, sledge, buggy, furniture-car, or other vehicle for pleasure or burden, in any street, lane, or public alley, or near the intersection of any street, lane, or public alley, or across the crossing or footway along or across any street, lane, or public alley, so as to obstruct the free passage on the crossing or footway along or across such lane, street, or public alley, he shall be deemed guilty of a misdemeanor; and it shall be the special duty of the city police, in all its branches, to see that the provisions of this section are carried into effect.

SEC. 12. Whoever shall, himself, or by another, place upon any highway or other public place any obstruction not authorized by ordinance, or make any excavation in such place without lawful authority, or displace or remove any stones, stakes or other landmarks placed by any officer of this city under authority thereof, or injure or deface any property, or violate any provisions of this ordinance for violation of which no specific penalty is provided, shall forfeit and pay not less than ten dollars.

SEC. 13. All persons are required to keep the paved sidewalks in front of the tenements and grounds belonging thereto respectively occupied by them (and where houses are occupied by several tenants, then the person occupying the tenement or tenements nearest to the street), swept and clear of mud, dirt and filth, and, after any

fall of snow, to cause the snow to be immediately removed therefrom into the carriage-way of the street, under a penalty of not less than two dollars for a failure to comply with the requirements of this section; and the street inspector shall report to the recorder all persons who, by such failure, have become liable to said penalty. And, upon every conviction, the street inspector reporting the party convicted shall receive a fee of twenty-five cents.

Penalty for failure.

Street inspector to report violations.

To receive certain fee on conviction.

SEC. 14. Any person who shall, willfully or maliciously, or negligently, injure, pull down, or break, any lamp-post, bracket, or gas-lamp, or telegraph post, or telegraph wire or wires connected with the fire-alarm telegraph, within the city of St. Louis, shall be deemed guilty of a breach of this ordinance, and subject to a fine of not less than ten nor more than three hundred dollars, to be sued for and recovered as in other cases of breach of city ordinances.

Injuring lamp-posts, telegraph posts, etc.

Penalty.

SEC. 15. One-half of any fine recovered and collected for a breach of the foregoing section shall be paid to the informer, or person who shall make complaint of any violation or breach thereof, and attend to the prosecution of such complaint to judgment against the party or person informed against.

One-half of penalty to be paid to informer.

SEC. 16.\* All holes, depressions, excavations, or other dangerous places, within the city of St. Louis, that are below the natural or artificial grades of the surrounding or adjacent street, shall be properly inclosed with fences or walls, or be filled up, so as to render such places secure from liability of persons and animals falling into them.

Holes, etc., to be fenced up.

SEC. 17. The city engineer shall notify the owners or occupants of premises on which such dangerous places exist to cause fences or walls to be built, or to be filled up, within such period as he shall deem the exigencies of the case may require.

Engineer to notify owners.

SEC. 18. Whenever the said owner or occupant shall refuse or fail to comply with such notice, or whenever such owners or occupants can not be found, then the engineer shall cause such dangerous places to be fenced or walled in, filled up, or covered over, as each case may require.

Engineer to inclose dangerous places, when.

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\*Sections 16-21, inclusive, of the above article, compose ordinance No. 5333, approved June 13, 1864.



Cost of work to be lien on property.

SEC. 19. The cost of all such work shall be assessed as a special tax against the property upon which the dangerous places exist, and said special tax shall be a lien against such property, and shall be collected in the same manner as other special taxes are collected.

Tax-bill to be evidence of claim.

SEC. 20. The city engineer shall certify in the tax-bill so assessed the kind of work done, and the purpose for which it was required to be done; and such certificate shall be *prima facie* evidence of the validity of the special tax so assessed.

Expenses, what fund to be paid out of.

SEC. 21. The expense which the city engineer may incur in doing the work above mentioned shall be charged to, and paid out of, appropriations for streets and alleys; and, when the special taxes for the work shall be collected, the said appropriations shall be credited with the amount.

## ARTICLE V.

### Sewers.

Sewer department established.

SECTION 1. A department of the city government is hereby established, to be styled the "Sewer Department," which shall embrace all matters pertaining to the drainage of the city, and which shall be presided over by a committee of the common council, to be styled the "Sewer Committee," in conjunction with the city engineer.

Committee to preside over same.

Sewer committee, how elected.

SEC. 2. The sewer committee shall consist of five members of the common council: one from the first and second wards, one from the third and fourth wards, one from the fifth and sixth wards, one from the seventh and eighth wards, and one from the ninth and tenth wards; and the delegation of every two wards shall elect the member of the committee, who shall hold their office during the term for which they were elected to the council. The annual vacancies occurring shall be filled at the first meeting of the council in each fiscal year. The sewer committee shall meet once each month, or oftener if the business of the department should require it. The place of meeting shall be at the city engineer's office, or in a room adjacent thereto.

When and where to meet.

Duties of sewer committee.

SEC. 3. It shall be the duty of the sewer committee:

*First.* To take cognizance of all matters pertaining to the drainage of the city.

*Second.* To exercise a strict control over the expenditure of the public sewer fund.

*Third.* To prepare and report to the council a general system of public sewers.

*Fourth.* To see that the system adopted is strictly carried out in accordance with the laws and ordinances of the city.

*Fifth.* To grant permits to make connections with public and district sewers, under certain restrictions hereinafter mentioned.

*Sixth.* To report to the council upon all petitions and ordinances in relation to public and district sewers.

*Seventh.* To supervise the preparation of plans, specifications, and contracts for the same, and report them to the council.

*Eighth.* To see that the expenditures for public sewers, in each fiscal year, do not exceed the revenue of that year accruing to the public sewer fund.

*Ninth.* To report to the council, at the last meeting in each fiscal year, the probable amount required to carry on the public sewer improvements of the next year, including the repairs and all other expenses chargeable to the public sewer fund.

*Tenth.* To report to the council, whenever called upon, all information in its possession relative to all matters under its charge, and generally to do all lawful acts necessary to render this department efficient in its working, and to accomplish the objects for which it was established.

SEC. 4. It shall be the duty of the city engineer, under the instructions of the sewer committee:

Duties of engineer touching sewer matters.

*First.* To attend all the meetings of the sewer committee, and to cause a journal of its proceedings to be kept; and to publish an abstract of the same in the newspapers doing other city printing.

*Second.* To prepare all plans, specifications and contracts, for sewers ordered to be constructed, and to advertise and let out the same in accordance with the mode prescribed for other city work, and to grant permits to make connections with all sewers under certain restrictions hereinafter mentioned.

*Third.* To superintend the construction of all public and district sewers, and to see that the prescriptions in relation to private sewers are strictly obeyed.

*Fourth.* To take charge of all business relating to this department which may originate during the vacation of the committee, and to present the same for its action at the next meeting.

*Fifth.* To prepare a hydrographic map of the city, showing the public sewers already constructed, and those which are still required, and the territory drained and to be drained by each; colored, so as to show its extent distinctly; together with the alignment, dimensions, depth and fall of each sewer, so far as the same can be ascertained.

*Sixth.* To make estimates of the cost of sewers, and to furnish the committee with all the required information relating thereto; and to do and perform generally all other lawful acts necessary to secure an efficient working of this department of the city government.

Engineer to be executive officer of sewer committee; further duties of.

SEC. 5. The city engineer shall be the chief executive officer of the sewer committee. He shall keep a separate book account of all expenditures for each sewer, whether public or district, or in construction; and a similar account of reconstruction, repairs, cleaning, superintendence, and all other incidental expenses. Detailed plans shall be kept, in book form, of all sewers constructed, showing the alignment, the depth below the grade of the street, the dimensions and form, together with a full statement of the final measurement of the work done or in construction, specifying each item, its contract price and cost; and, in case of district sewers, there shall be an accompanying map of the district, showing the net area of the district, the dimensions and area of each lot, with the owner's name written thereon, and the amount assessed against each lot; also, the kind, dimensions, amount, and position, of all the work done in constructing the sewer.

May appoint assistants, etc.

SEC. 6. The city engineer, with the consent of the sewer committee, shall appoint such superintendents and other assistants as they shall, from time to time, deem necessary for the efficient working of this department. The salaries of said superintendents and other assistants shall be paid out of the public sewer fund, except in cases hereinafter provided for; and they shall be dismissed at any time when the engineer and sewer committee shall deem it expedient to do so.

How paid.

SEC. 7. The sewer committee shall not authorize the engineer to let out sewer contracts in amounts greater than one hundred thousand dollars.

Limitations of contracts for sewers.

SEC. 8. Public sewers shall only be established along the principal courses of drainage throughout the whole city, and shall be constructed in accordance with the general sewer system hereinafter provided for, and at such times as public necessity may require them; and the public sewer fund shall be expended in the different portions of the city so as to give each portion a fair distribution of the benefits arising therefrom. After a public sewer shall have been established by ordinance, the sewer committee shall let out such portion as may be deemed necessary, and the committee shall report contracts for the same, which shall be approved by the council before going into effect; and the same course shall be pursued in regard to the reconstruction of all public sewers. The engineer shall certify to the amount of work done under contracts to the sewer committee; and the chairman thereof, when directed so to do by the sewer committee, shall draw his requisition on the auditor for the amount due, chargeable to the public sewer fund. The public sewers shall be kept in complete repair by the engineer, under the instructions of the sewer committee, and the cost of such repairs shall be certified to by the engineer to the sewer committee; and the chairman thereof, when directed so to do by the sewer committee, shall draw his requisition on the auditor for the amount, and shall make it chargeable to the public sewer fund.

Construction of public sewers.

Further duties of engineer.

SEC. 9. Whenever a party desires to make a connection with a public sewer, application shall be made therefor to the sewer committee or the city engineer, who may grant or refuse the same, as occasion may require; and the party to whom permission is granted shall give bond, to be approved by the sewer committee or the city engineer, in the sum of five hundred dollars, conditioned that he will hold the city harmless against any damages that may ensue from making such connection. Any person making a connection with a public sewer without the permit above mentioned, or in violation of the instructions of the engineer, shall forfeit and pay to the city one hundred dollars, upon conviction of the fact before the recorder; and all such fines shall be credited to the public sewer fund.

Connections with public sewers, how made.

Penalty for violating this section.

Fine to go to sewer fund.



Sewer districts  
to be estab-  
lished.

SEC. 10. It shall be the duty of the sewer committee to subdivide the city into sewer districts of convenient size, designating them by the name of the sewer into which they will drain, and numbering them continuously from one upwards, and report the same from time to time to the council, accompanied with drafts of ordinances establishing them by metes and bounds.

District sewers,  
when to be or-  
dered by com-  
mittee.

SEC. 11. Whenever a majority of the property owners resident within a sewer district, or within a convenient portion of a sewer district, shall petition for the building of a sewer therein, or whenever the sewer committee shall deem a sewer necessary for sanitary or other purposes, it shall be the duty of the sewer committee to report the fact to the council, with an accompanying draft of an ordinance authorizing the construction of a district sewer within said district, or portion of said district, as the case may be.

Engineer to car-  
ry out ordinan-  
ces for district  
sewers.

SEC. 12. Whenever the construction of a district sewer shall have been authorized, it shall be the duty of the engineer, under the instructions of the sewer committee, to let out the work of construction in the same manner as other city work is let out; and to prepare a plan, specification, and contract for the same, which shall be reported by the sewer committee to the council for approval. After the contract has been approved, it shall be the duty of the engineer to cause the sewer to be constructed in accordance with the terms of the contract.

Cost of district  
sewer; how as-  
sessed and col-  
lected.

SEC. 13. So soon as a district sewer shall have been fully completed, the city engineer, or other officer having charge of the work, shall compute the whole cost thereof, and shall assess it as a special tax against the lots of ground, exclusive of improvements, in proportion to the area of the whole district, exclusive of public highways; and said officer shall make out a certified bill of such assessment against each lot of ground within the district, in the name of the owner thereof, subject to the approval of the committee; said certificate shall be delivered to the contractor for the work, who shall proceed to collect the same by ordinary process of law, in the name of the city, to his own use; and in cases of absent owners he may sue by attachment, or by any other process known to the law; and each certificate shall be a lien against the lot of ground described therein, and shall bear interest at the rate of ten per centum per annum from

thirty days after the date of issue; and if not paid within six months after date of issue, then it shall bear interest at the rate of fifteen per centum per annum until paid.

SEC. 14. The repairs, cleaning, and other incidental expenses of district sewers, shall be paid out of a general appropriation for that purpose; and at the end of each fiscal year the auditor shall report to the common council the amounts paid on account of each district separately, and the assessors shall be instructed to assess the amounts charged to each sewer district, in proportion to the assessed value of the property, as "a special district sewer tax," and shall charge it as an item in the general tax-bills of any fiscal year after the expenditure shall be made.

Cost of repairing and cleaning sewers, how charged and collected.

SEC. 15. Any person wishing to make a connection with a district sewer, for the purpose of draining premises located within the district, shall make application to the sewer committee or city engineer; and, if the committee or city engineer shall grant the application, a permit shall be issued for that purpose, signed by the engineer or the chairman of the committee; and the party to whom permission is granted shall give bond, to be approved by the sewer committee or city engineer, in the sum of two hundred and fifty dollars, conditioned that he will hold the city harmless against any damages that may ensue from making such connection. No permit shall be issued to drain premises situated out of the district; nor shall a permit be issued to any person who is not the owner, lessee, or legal representative of the property sought to be drained. Any person attempting to make a connection with any district sewer, without a permit, shall be fined fifty dollars, upon conviction of the fact before the recorder. All connections to sewers shall be made in the most substantial manner, under the superintendence of the engineer; and any person who shall make, or cause to be made, any defective private sewer, where the same passes under a public highway, shall be fined fifty dollars, upon conviction of the fact before the recorder; and the engineer shall cause said defective sewer to be shut up. The engineer shall cause a book to be kept in which an abstract of all permits issued shall be recorded, and all bonds required by this ordinance shall be filed in the office of the city register. All connections to sewers shall be made under such other regulations as may be provided by ordinance.

Connection with district sewers, how made.

Penalty for violating this section.

Engineer to advertise for bids for offal in sewers.

SEC. 16.\* The city engineer is hereby authorized and instructed, under the direction of the committee on sewers, on the first Monday in September in each year, to let out, in the usual manner, to the highest and best bidder, the right to remove and use the offal accumulating in the various public sewers of the city of St. Louis. The contract based upon the award shall be made subject to the approval of the common council, and shall specify the manner of removing the offal, and the regulations which shall govern the conduct of the persons while removing the same.

Sum bid to be paid into treasury.

SEC. 17. As soon as the contract shall have been approved, the party to whom the contract is let shall, within ten days, pay into the city treasury the sum specified in the contract to be paid, and the auditor shall credit the amount to the public sewer fund.

Manner of letting contracts; provisions to be inserted in.

SEC. 18. The sewer committee shall include the whole of the public sewers in one contract, or the city may be divided into several districts, as the committee shall deem best for the interest of the city. No dam, machine, or other fixture, shall be placed within any sewer for the purpose of collecting and removing the offal; but all such appliances must be outside, and beyond the mouths of the sewers.

## ARTICLE VI.

### *Street Lamps.*

Cleaning, lighting, etc., of street lamps, to be by contract.

SECTION 1. The city engineer is hereby authorized and instructed to contract, in the same manner as for other city work, for the cleaning, lighting, and repairing of the public street lamps, for the term of one year; and the said work shall be re-let annually thereafter, unless otherwise ordered by the committee on gasworks. The lighting, cleaning, and repairing shall each be let separately, if it shall be to the interest of the city so to do, and the price shall be for each item.

How let.

Engineer may appoint superintendent of street lamps.

SEC. 2. The city engineer, with the advice and consent of the mayor, if it should be deemed necessary, shall appoint a suitable person to superintend the public street lamps, under the direction of the city engineer, at a salary not exceeding sixty dollars per month. The lighting and the extinguishing of the lamps shall

\* Sections 16, 17, and 18, do not form part of the original ordinance, but are contained in ordinance No. 5558, approved March 24, 1865.

be in accordance with the contract between the city of St. Louis and the St. Louis gaslight company.

SEC. 3. The cost of the above-mentioned work, and also the salary of the superintendent aforesaid, shall be paid monthly, on the certificate of the city engineer, and shall be charged to appropriation for lighting the city.

Cost of above work, how paid.

SEC. 4. All public street lamps shall have the name of the street painted, in a conspicuous manner, on the side which faces the street or streets on which they are placed; and the city engineer is hereby instructed to make a stipulation to that effect in all contracts hereafter entered into in accordance with the above provisions.

Names of streets to be painted on lamps.

#### ARTICLE VII.\*

##### *Concerning the Connection with Sewers, Gas and Water Pipe, Etc.*

SECTION 1. The city engineer is hereby authorized and instructed to contract, in the usual manner, on the first day of July of each year, for the making of all connections with sewers, water and gas pipes, required to be made in all improved streets and alleys within the city of St. Louis.

Engineer to contract for making connections, etc.

SEC. 2. All persons who desire to have such connections made shall deposit with the city engineer a sum which, in his judgment, shall be sufficient to pay the cost of making the connection; and the engineer shall give a receipt for the sum so paid, and shall then instruct the contractor to make the connection, provided, the requirements of other ordinances have been complied with. When the work shall have been completed, the engineer shall make a measurement thereof, and shall pay the contractor according to the terms of his contract; and if the sum deposited with the engineer shall be more than sufficient to pay the cost of the work, the balance shall be refunded to the person making the deposit; and if the sum deposited be not sufficient, then the person applying for the connection shall be bound to pay the balance before he shall be permitted to use the connection so

Proceedings to have connections made.

Costs deposited.

Surplus to be returned.

Deficit to be made up, when.

\*This article is not part of the original ordinance. It was passed as ordinance No. 5346, approved June 29, 1864, and directed to be incorporated into this by ordinance No. 5487, approved January 24, 1865.



made. The work to be done by the contractor shall not include the plumbing of water-pipes, nor the fitting of gas-pipes.

Excavating in streets without permission.

SEC. 3. Any person who shall dig into, or cause any excavation to be made into, any improved street or alley within the city of St. Louis, without written permission from the city engineer so to do, shall be deemed guilty of misdemeanor, and, upon conviction before the recorder, shall be fined not less than fifty nor more than one hundred dollars.

Penalty.

Making fire on wooden pavement.

SEC. 4. Any person who shall make, or cause to be made, a fire on any wooden pavement within the city of St. Louis, shall be deemed guilty of a misdemeanor, and shall, upon conviction before the recorder, be fined not less than fifty nor more than one hundred dollars.

Penalty.

( No. 3438. )

FINES AND PENALTIES.

AN ORDINANCE IN RELATION TO FINES, FORFEITURES AND PENALTIES.

|                                          |          |                                      |          |
|------------------------------------------|----------|--------------------------------------|----------|
| <i>Breach of ordinance, penalty for,</i> |          | <i>Maximum of, may be recovered,</i> |          |
| <i>when not fixed.....</i>               | <i>1</i> | <i>how .....</i>                     | <i>2</i> |
| <i>Fine, amount of, when not fixed</i>   | <i>1</i> | <i>Penalty, amount of, when not</i>  |          |
| <i>maximum of, when not fixed,</i>       | <i>2</i> | <i>fixed .....</i>                   | <i>1</i> |
| <i>Maximum of penalty, when not</i>      |          | <i>maximum of, when not fixed...</i> | <i>2</i> |
| <i>fixed .....</i>                       | <i>2</i> |                                      |          |

*Be it ordained by the Common Council of the City of St. Louis, as follows .*

Fine or penalty, where none is fixed by ordinance.

SECTION 1. Whenever, by the ordinances of the city of St. Louis, or either of them, the doing of any act, or the omission to do any act or duty, is declared to be a breach of any or either of said ordinances, and there shall be no fine or penalty declared for any such breach, any person or persons convicted of any such breach shall be adjudged to pay a fine of not less than one dollar and not exceeding three hundred dollars.

Maximum of fine, where not fixed by ordinance.

SEC. 2. Whenever, in any ordinance of the city, heretofore or hereafter passed, a fine, forfeiture, or penalty, is or may be prescribed at not less than a given sum, but the maximum of such fine, forfeiture, or penalty, is not likewise fixed, such maxi-

mum shall be as follows, to-wit: if the minimum of such fine, forfeiture, or penalty, shall be less than one hundred dollars, the maximum shall be three hundred dollars; if the minimum be one hundred dollars, or above that sum, the maximum shall be five hundred dollars; and it shall be lawful, in any such case, to recover the maximum aforesaid in like manner as if the same were specifically set forth in any such ordinance.

Approved, November 6, 1855.

(No. 5418.)

## FIRE DEPARTMENT.

### AN ORDINANCE ESTABLISHING THE FIRE DEPARTMENT, AND FOR THE INSPECTION OF BUILDINGS AND THE PREVENTION OF FIRES.

|                                                                                       |              |                                                                                                         |                            |
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| <i>Account, chief operator of fire-alarm telegraph to render to auditor .....</i>     | <i>II, 6</i> | <i>Baled hemp, not to be stored within certain limits.....</i>                                          | <i>V, 12</i>               |
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*Be it ordained by the Common Council of the City of St. Louis:*

## ARTICLE I.

*Fire Department.*

SECTION 1. The fire department shall consist of a chief engineer, two assistant engineers, and a board of fire engineers, one engineer and seven men for each regular organized company; and as many hook-and-ladder men, not exceeding seven to each company, as the number and quantity of the fire apparatus belonging to the city shall, from time to time, require.

Fire department, how composed.

SEC. 2. At the first stated session of the board of common council, in the year eighteen hundred and sixty-one, and at the first stated session every two years thereafter, there shall be appointed by the mayor, by and with the advice and consent of the board of common council, a chief engineer, who shall hold his office for the term of two years, and until his successor shall be duly appointed and qualified; and shall give bond in the sum of five thousand dollars, to be approved by the mayor, for the faithful discharge of his duty; and the present chief engineer shall hold his office until the expiration of the term for which he was appointed, and until his successor shall be duly appointed and qualified.

Chief engineer to be appointed.

Term of office.

To give bond.

Term of office of present engineer.

SEC. 3. The board of fire engineers shall consist of five members of the board of common council: one to be elected from the first and second wards, one from the third and fourth wards, one from the fifth and sixth wards, one from the seventh and eighth wards, and one from the ninth and tenth wards; they shall appoint, at their first regular meeting, or as soon thereafter as practicable, two assistant engineers, one of whom shall perform the duties of secretary, whose term of office shall be one year, or until the next yearly organization of said board. Said board of fire engineers shall make such rules for the regulation and government of the fire department as they see fit. The chief engineer shall attend all meetings of the board, and at such meetings shall be privileged to make such suggestions for the action of the board as he may deem proper. The secretary shall attend all meetings of said board of fire engineers, and shall keep

Board of fire engineers, how composed and elected.

Assistant engineer to be appointed.

Rules of board to be made.

Chief engineer to attend meetings.

Duties of secretary.

a record of its proceedings; he shall keep all books connected with the department, and shall, together with the chairman of the board of fire engineers, examine and certify all bills which may be allowed by the board against the department, before the same shall be audited by the city auditor.

Duties of board  
of fire engineers.

SEC. 4. It shall be the duty of said board to take immediate possession of all engines, engine-houses, hose-carriages, and fire apparatus of every description belonging to the city; they shall have power to sell, or otherwise dispose of, any fire apparatus belonging to the city, which may be unserviceable or not in use; and the proceeds of such sales shall be paid into the city treasury. All applicants for the purchase, sale, or exchange of engines, or lots for engine-houses, for the erection or removal of engine-houses, and for the construction of wells, reservoirs, and cisterns of the fire department, shall be made to said board, by whom the same shall be considered and reported to the board of common council, with the opinion of the board on the merits of the application, and their reasons for said opinions in writing. The board shall take into consideration, and report to the board of common council, all matters relating to the fire department, or to the property of the city connected therewith, and shall, two weeks before the first stated session of each year, make to the board of common council a full and complete report of the condition of the department, giving, in such report, a list of fires in the city for the year next preceding, the number of false alarms, the amount of property destroyed, and such other statistics in relation to losses, insurance, and the causes of fires, as they may be able to procure; and such other information and suggestions, in relation to the operations of the fire department, as they may deem advisable. Said board are authorized to make such rules and regulations as may be deemed necessary for the efficient operation of the department: *Provided*, Such rules and regulations shall not conflict with the ordinances of the city, or the laws of the State, and shall first have received the approval of the board of common council.

Chief engineer  
to be in com-  
mand of fire de-  
partment.

His powers and  
duties.

SEC. 5. The whole fire department of the city shall be under the command of the chief engineer. He shall exercise a constant supervision over it, and shall have the general charge of the property of the city connected therewith, and shall see that the

same is always kept in good repair, and is ready for immediate use. He shall, subject to the approval of the board of engineers, appoint and employ all officers and firemen, who shall severally be paid, during the period for which they may be appointed or employed, the compensation hereinafter named. All disputes and controversies arising in relation to any matter connected with the department, among any of its companies, officers or members, when on duty, shall be summarily decided by the chief engineer, or, in his absence from the place of difficulty, by the officer in command. He shall attend all fires which may occur in the city, and all orders given by him to any company of firemen shall be promptly obeyed. It shall be his special duty to see that the provisions of this ordinance, and the rules and regulations of the board of engineers, are regularly and strictly enforced. He shall make a monthly report to the board of engineers of all the expenditures of the department, and shall establish his office in some fire-engine house in the central part of the city, which shall be kept open at all hours of the day and night.

SEC. 6. The chief engineer shall also, on the receipt of the monthly statements of each company, submit the sum to the board of fire engineers at their first meeting in each month, which statement, when certified to by the chief engineer, signed by the chairman, and approved by the board, shall be transmitted by the secretary to the city auditor, who shall thereupon draw his warrant on the treasurer for the aggregate amount due on said several monthly statements, and pay the same to the officers and employees therein named, as in case of other pay-rolls.

Expenses, how  
examined and  
certified.

How paid.

SEC. 7. The duties required by this ordinance of the chief engineer shall, in his absence or inability to act, be performed by the senior assistant engineer present.

Duties of chief  
engineer, who to  
perform in his  
absence.

SEC. 8. No person under twenty-one years of age shall be employed as a member of the fire department.

Qualifications of  
members of de-  
partment.

SEC. 9. All purchases made for the use of the fire department shall be made by or with the consent of the board of fire engineers, who shall certify to all bills of whatsoever nature against said department, before the same shall be paid by the city.

Bills against de-  
partment, how  
paid.

SEC. 10. No officer, fireman, or employee, shall be connected



Members, how appointed, discharged, or suspended.

in any manner with the department, or receive any pay for services, until he shall have first been appointed by the chief engineer, and approved by the board. Nor shall any person be discharged from the department, except by the board, for good cause shown. The chief engineer may, for any cause, suspend any officer or employee, and report the cause of any suspension to the board at the next meeting thereof.

Further qualifications of members.

SEC. 11. No person shall act in the capacity of an officer or employee in said department who shall not have resided in the city for the period of one year, next preceding his appointment, except in cases when the board shall order otherwise.

Hook and ladder companies, how formed and regulated.

SEC. 12. As many hook-and-ladder companies shall, from time to time, be formed as the council may deem expedient, the members of which shall be subject to the same rules, regulations, and compensation, as other firemen.

Members to wear badges.

SEC. 13. The officers and members of the department shall wear such badges or other insignia as the board of engineers may direct, to be furnished at the expense of the city; and no other person shall be permitted to wear the same.

No fines for absence, except as fixed by board, when members shall be discharged from department.

SEC. 14. No company shall be allowed to impose fines on its members; but for every absence or tardiness, except in case of sickness, there shall be a deduction from the pay of the officer, or member, of such sum as the board may determine; and if any officer or member shall have been absent or tardy at more than one-third of the fires, or alarms of fire, except in case of sickness, during the month, he shall be discharged from the department.

Penalty for violating ordinances or rules of board.

SEC. 15. Any officer or member of the fire department who shall willfully offend against any ordinance of the city, or rules and regulations of the board of engineers, shall be dismissed from the department, and be liable to a penalty of not less than five nor more than fifty dollars.

Duty of firemen in case of absence from city.

SEC. 16. In the event of temporary absence from the city of any member, for forty-eight hours or more, he shall provide a substitute, to be approved by the chief or assistant engineer; failing in which he shall forfeit one month's compensation, to be recovered in the same manner as other penalties.

Meetings of board.

SEC. 17. The board of engineers shall meet on the first Wednesday of each month, and whenever they shall be called

together by the chief engineer; a majority shall form a quorum Quorum. for the transaction of business.

SEC. 18. The chief engineer, with the approval of the board, Chief engineer may buy or hire horses. shall have full power to purchase or hire as many horses or mules, and make such arrangements for their keeping, as may, in his judgment, be necessary for dragging the engine and other apparatus to and from fires.

SEC. 19. The chief and assistant engineers shall have the same police powers at all fires as the chief of police, and may command such assistance from the inhabitants of the city, for the suppression or extinguishing of fires, as may be required; they shall have power to order any company, fireman, or other person, away from the neighborhood of a fire, under a penalty, in case of Police powers of engineers. disobedience, of a fine not exceeding twenty dollars nor less than five dollars. Penalty for disobedience to.

SEC. 20. No member shall be received into any company connected with the fire department for a less time than one month, and no person shall be entitled to pay for a less time, unless Time of appointment and withdrawal of firemen; manner of payment. specially employed by the chief engineer. Any member wishing to withdraw from any company shall be required to give ten days' notice of such intention; and such enrollment of membership shall date from the first of every month.

## ARTICLE II.

### *Fire Alarms.*

SECTION 1. All alarms of fire shall be given by means of the fire-alarm telegraph system, in accordance with the rules and directions herein contained; and the central station of said system shall be on the third floor of the north wing of the court house, until otherwise directed by the council. Fire alarms, how given. Central station located.

SEC. 2. The city shall be divided into five districts, as follows: Division of city into districts. The first district to be composed of all that portion of the city south of the line of Park avenue; the second district, all that portion of the city lying between the line of Park avenue on the south, and the line of Myrtle street and Clark avenue on the north; the third district, all that portion of the city lying between the line of Myrtle street and Clark avenue on the south, and the line of Christy avenue and Green street on the north; the fourth

district, all that portion of the city lying between the line of Green street and Christy avenue on the south, and the line of Cass avenue and Columbia street on the north; the fifth district, all that portion of the city lying north of the line of Cass avenue and Columbia street.

Location of signal boxes.

SEC. 3. The signal-boxes shall be located as follows: In district one, station one, on the northwest corner of Lami and Columbus streets. Station two, on the northeast corner of Victor street and Carondelet avenue. Station three, on the northeast corner of Lafayette street and Carondelet avenue. Station four, on the south St. Louis fire-engine house. Station five, on the southwest corner of Decatur and Soulard streets. Station six, on the southwest corner of Menard street and Park avenue. Station seven, on the northwest corner of Linn and Soulard streets. Station eight, at the house of John William Krone, on the Gravois road, in Devalsey addition. In district two, station one, on the northwest corner of Almond and Main streets. Station two, on the southwest corner of Lombard and Third streets. Station three, on the Phoenix fire-engine house. Station four, on the northwest corner of Seventh and Gratiot streets. Station five, on the southwest corner of Barlow and Orchard streets. Station six, on the northwest corner of Fourteenth street and Chouteau avenue. Station seven, on the southwest corner of Fourteenth and Spruce streets. In district three, station one, on the northwest corner of Walnut and Main streets. Station two, on the southwest corner of Olive and Main streets. Station three, on the southwest corner of Main street and Washington avenue. Station four, on the Washington fire-engine house. Station five, on the St. Louis fire-engine house. Station six, on the southeast corner of Seventh and Ehn streets. Station seven, on the Missouri fire-engine house. Station eight, on the old Union number two steam-fire-engine house. Station nine, on the north side of Clark avenue, between Tenth and Eleventh streets. Station ten, on the southeast corner of Twelfth and Olive streets. Station eleven, on the Laeledge fire-engine house. Station twelve, on Wells's omnibus stable, south side of Market street, between Eighteenth and Nineteenth streets. Station thirteen, on the Wedge House, at the junction of Market street and Laeledge avenue. In district four, station one, on the northwest corner of Main and

Carr streets. Station two, on the Liberty fire-engine house. Station three, on the south end of the City market house. Station four, on the southeast corner of Broadway and Columbia street. Station five, on the southwest corner of Wash and Eighth streets. Station six, on the northwest corner of O'Fallon and Ninth streets. Station seven, on the northwest corner of Christy avenue and Eleventh street. Station eight, on the Franklin fire-engine house. Station nine, on the southwest corner of O'Fallon and Fourteenth streets. Station ten, on the southwest corner of Fifteenth street and Franklin avenue. Station eleven, on the north side of Morgan street, in front of the blind asylum. Station twelve, on the Jefferson engine house. In district five, station one, on the Mound fire-engine house. Station two, on the east end of the Sturgeon market house. Station three, on Ashbrook's pork house, west side of Broadway, between Harrison and Dock streets. Station four, on the southwest corner of Broadway and Salisbury street. Station five, on the southwest corner of Madison and Fourteenth streets.

SEC. 4. The alarm-bell of the first district shall be the bell of the south St. Louis fire-engine house ; the alarm-bell of the second and third districts shall be the largest bell of the cathedral, north side of Walnut street, between Second and Third streets ; the alarm-bell of the fourth district shall be the largest bell of the St. Francis Xavier church, on the southwest corner of Ninth and Green streets ; the alarm-bell of the fifth district shall be the bell of the Mound fire-engine house : *Provided*, that no bell, other than those specified in this ordinance, shall be rung as indicating an alarm of fire, except and until after one of the bells herein named shall indicate such alarm ; and any person or persons who shall ring any bell in violation of this provision, except steamboat-bells at the levee, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not less than ten dollars nor more than one hundred dollars, to be sued for and collected like other penalties.

Alarm bells designated.

Penalty for ringing alarm on other bells.

SEC. 5. The board of fire engineers shall have the entire care and management of the rooms, apparatus, and machinery of the said system, and designate the persons to whom shall be entrusted the keys of the signal-boxes. They shall appoint five operators, one of whom shall be chief operator, who shall hold his office for

Board to have care of all apparatus, etc.

Appoint persons to keep keys of signal-boxes.

Appoint operators.



Adopt rules for  
alarms.

two years, and two assistant operators, to be under their control and direction; and, in like manner, from time to time, fill any vacancy that may occur in that number by resignation, dismissal, or otherwise. They shall adopt rules and directions for giving signals and sounding the alarms not herein provided for, and have power to alter and change the same from time to time; all of which rules, directions, alterations, and changes, shall be binding upon all persons after a copy of the same shall have been placed on file in the office of the chief engineer of the fire department and the city register, and published in the same manner as the ordinances of the city are published: *Provided*, that the council shall at all times have the power to amend, alter, or annul the same. The said committee shall cause to be kept at the central station a record of all their transactions.

Keep record of  
transactions.

Duties and pow-  
ers of chief op-  
erator.

SEC. 6. The chief operator shall act as secretary of said board, without additional compensation, and, under their direction, have the charge of said system, and be responsible for the constant good repair and working condition of the same. He shall deliver the keys of the signal-boxes to the persons designated by the said committee, take receipts therefor, and preserve the same on file in his office. He shall investigate the cause of all false alarms, and have power to recall the keys of the signal-boxes, and cancel the receipts for the same, when, in his judgment, said keys are in improper hands: *Provided*, he shall immediately report the facts of the case to the said committee, whose decision shall be final. He shall control and direct the duties of the operators, and have power to discharge them for neglect or violation of rules and regulations: *Provided*, any operator so discharged shall have the right of appeal to said committee, whose decision shall be final. He shall, on the first Monday of each month, cause to be made to the auditor a full account of the amount due for salaries and repairs, signed by himself and a majority of said committee, for which amount the auditor shall draw his warrant on the treasurer in favor of said superintendent, for the use of fire-alarms. He shall take a receipt from all persons to whom any money shall be paid on account of the said system, and keep a record of the same in his office. He shall keep a record of the exact time and location of each alarm, and a register of the number of blows struck upon each bell. He shall, on the first

Monday in January, April, July and October of each year, make a certified statement to the council of the entire expenses, operation and condition of the said system ; a copy of all the records, reports, and files, herein referred to, shall at all times be open in his office to the inspection of any member of the council.

SEC. 7. It shall be the duty of the members of the police department, and key-holders, immediately upon the discovery or authentic information of a fire, to communicate the fact to the central station by means of the signal-box nearest to the fire in the district in which the fire may exist, in accordance with the rules and directions referred to in this ordinance ; and it shall be the duty of the night police, upon an alarm being given or sounded upon any of the bells connected with said system, to give further notice thereof, in their respective beats, by crying " fire !" and the number of the district in which the fire exists ; and if any policeman shall violate any of the provisions of this section, he shall, upon conviction, forfeit and pay a fine of five dollars.

Duties of police and key-holders in case of fire.

SEC. 8. No person shall open any of the signal-boxes connected with the fire-alarm telegraph system for the purpose of knowingly giving a false alarm, or turn the cranks therein, except in case of fire ; or tamper, meddle, or interfere in any way with said boxes, or any part thereof, by cutting, breaking, injuring, or defacing the same ; or cut, break, or injure in any way, the wires, or their supports, connected with any part of said system ; nor connect the same by any communication so as to interrupt the proper working of the said system, or with intent so to do ; or injure, break, or destroy any machinery or fixtures connected with the said system, or any part of the same ; and any person who shall be guilty of a breach of any of the provisions of this section shall forfeit and pay a fine of not less than twenty-five dollars nor more than two hundred and fifty dollars, to be sued for and collected like other penalties.

Offenses concerning signal boxes and alarm telegraph.

Penalty for violating this section.

SEC. 9. If any person entrusted with the keys of the signal-boxes shall knowingly make, or cause to be made, an impression or copy of said key or keys, except by written order of the committee, such person or persons shall be deemed guilty of a misdemeanor, and be subject to a penalty of not less than ten dollars nor more than one hundred dollars, to be sued for and collected like other penalties.

Penalty for making duplicates of keys to signal-boxes.

Oath of operators.

SEC. 10. The operators, before entering upon their duties, shall be qualified by oath or affirmation that they will faithfully observe the laws of the State of Missouri and the ordinances of the city of St. Louis, and will perform, to the best of their ability, the duties of their respective offices.

Powers of board in extending signal and alarm circuits.

SEC. 11. The board shall have the power to make such alterations and extensions in the signal and alarm circuits as the necessities of the telegraphic system may from time to time require, and to provide for its completion and efficient operation at all times: *Provided, however*, that such alterations and extensions shall be consistent with and adapted to the requirements of the fire department; *and provided further*, that no expenditure shall be incurred, by virtue hereof, without the written approval of the mayor, which shall be entered on record in the official proceedings of said committee.

Mayor to approve expenditures incurred.

### ARTICLE III.

#### *Fire Limits and the Prevention of Fires.*

Fire limits described.

SECTION 1. The following are established as the fire limits of this city, and within said limits it shall be unlawful to erect any buildings the outer walls of which are, in whole or in part, constructed of wood, viz: Beginning at the intersection of Palm street with the Mississippi river; thence along Palm street to Tenth street; thence westwardly, along Davis, to Twelfth street; thence southwardly, along Twelfth, to North Market street; thence westwardly, along North Market, to Fifteenth street; thence along Fifteenth to Mullanphy street; thence west, with Mullanphy, to Seventeenth street; thence south, with Seventeenth street, to Cass avenue; thence west, with Cass avenue, to Garrison avenue; thence south, with Garrison avenue, to Olive street; thence on Olive street, to Pratte avenue; thence southwardly, along Pratte avenue, to Clark avenue; thence east, on Clark avenue, to Tayon avenue; thence southwardly, along Tayon avenue, to Cooper street; thence westwardly, along Cooper street, to a point which would intersect Missouri avenue if said Missouri avenue were protracted north; thence southwardly, along said Missouri avenue line, to Park avenue; thence westwardly, along Park avenue, to Jefferson avenue; thence south, in the center of Jefferson avenue, to

Lafayette avenue; thence eastwardly, along Lafayette avenue, to Second Carondelet avenue; thence southwardly, along Second Carondelet avenue, to its intersection with the south line of the new limits of the first ward; thence eastwardly, along said southern new limits line, to the river. No buildings, unless strictly fire-proof, shall be used for the purpose of smoking meat within the above-prescribed fire limits.

No building unless fire-proof, to be used for smoking meat

SEC. 2. The erection of such buildings upon any block not included within the aforesaid limits may be prohibited upon application to the mayor to that effect, in writing, signed by the owners of the greater part of the ground situate in the block. Such application shall be accompanied by a plat of the block, designating the property of each owner by his name, if ascertainable, being written on the portion of the plat representing his property; and upon the mayor being satisfied that the applicants are the owners of the greater part of the property in such block, and that such plat is correct, he shall grant an order, in writing, prohibiting the erection thereafter of any such buildings on such block.

Erection of wooden buildings may be prohibited in other blocks.

Proceedings necessary.

SEC. 3. The application, plat, and order aforesaid shall be delivered to the chief engineer of fire department, who shall immediately file the same in his office, and record the application and order in a book to be kept by him for that purpose, and give public notice of the order in the newspapers employed by the city; and thenceforth no such building shall be erected on such block. The expense of the publication of such notice shall be paid to the city by the applicants at the time of delivering the papers to him to be recorded, and the publication of the notice shall not be made until such expense shall have been paid.

Applications, etc., to be recorded.

Order to be published.

Expenses of publication, how paid.

SEC. 4. The mayor, upon being informed that any person is erecting a building in violation of this ordinance, shall require the chief engineer of fire department forthwith to raze the same, who shall immediately execute the order, and collect the expense from the person owning or erecting the same.

Buildings in violation of ordinance to be razed.

SEC. 5. Whoever shall, in person, or by another, erect any building in violation of this ordinance, shall forfeit and pay a sum not less than fifty nor more than five hundred dollars, and a further sum, not exceeding twenty dollars, for every day more than ten that such building shall be suffered to remain standing after he shall be convicted of erecting the same.

Penalty for violating this ordinance.



Stoves, how set up.

SEC. 6. No person shall set up or use a stove the top or any side of which shall be within two feet of any part of the wood-work of the wall or partition of any building, without protecting such wood-work with a metallic covering, so as effectually to prevent the same from taking fire from such stove.

Stove-pipes and chimneys, how protected.

SEC. 7. In all cases where a stove-pipe projects or passes through the roof or wood-work of a building, the pipe shall be separated from such roof or wood-work at least six inches, by sheet-iron or other incombustible material, and shall project above or beyond the roof; or, where a chimney or smoke-stack has been erected, to the height designated by the chief of the fire department; and any person or persons refusing to comply with the provisions of this section shall be deemed guilty of a misdemeanor, and fined not less than fifty nor more than one hundred dollars for each offense.

Penalty for disobeying chief engineer.

Inflammable substance not to be boiled in street.

SEC. 8. No person shall, in the city, boil any pitch, tar, rosin, turpentine, varnish, or other inflammable substance, unless the same be done in an open place, at least thirty feet distant from any building, boat, vessel, or other property that might be injured thereby, or in a fire-proof building.

Shavings, etc., not to be burned in street.

SEC. 9. No person shall burn any shavings, or other combustible matter, in any street, alley, or other thoroughfare or public place, or near any inhabited place in this city.

No light to be used in stables, etc.

SEC. 10. No owner or occupant of a livery stable, or other stable, in this city, shall, by himself or those in his employ, use therein, or in any place containing hay, straw, or other combustible matters, any lighted candle, or other light, except the same be securely kept within a tin, horn, or glass lantern.

Hay, etc., to be protected from fire.

SEC. 11. No person shall, in this city, have, put, or keep any hay or straw, in stack or pile, without having the same inclosed or secured so as to protect it from flying sparks of fire.

Burning coal not to be exposed in street, etc.

SEC. 12. No person shall, in this city, carry, or cause to be carried, in any street or other thoroughfare, any burning coal or brand, unless the same be shut up in a covered vessel.

Firearms not to be discharged in city.

SEC. 13. No person, not being on duty in a military corps and acting under orders from the commander thereof, or not being a manufacturer of fire-arms and trying or proving articles manufactured by him, so as to not endanger or injure persons or

property in the neighborhood, shall discharge any kind of fire-arms in this city.

SEC. 14. No person shall, in this city, discharge or set off any rockets, or other pyrotechnic exhibition, without the written consent of the mayor, specifying the time and place when and where the same may be done. Rockets, etc., not to be set off in city, except.

SEC. 15. No person shall, in this city, fire or set off any squib, cracker, or other fire-works not previously designated. Fire - crackers, etc., not to be set off.

SEC. 16. Any person setting up any stove or furnace in any building in this city shall place the same on a platform of brick, sheet-iron, or other incombustible substance, extending at least six inches in every direction beyond that part of the lower plate which fronts the door of the stove or furnace. Stoves, how to be set up.

SEC. 17. The owner or occupier of any house, shop, or other building in this city, shall cause the flues or chimneys thereof to be swept or burnt out as often as may be requisite to keep the same clean. In cases of burning out a flue, it shall be done in the day time, and only when rain is falling or when the roof of the building is covered with snow. If any person shall suffer the flues of a house occupied by him to take fire, or be fired, at any other time than herein expressed, he shall be liable to the penalties hereinafter prescribed. Chimneys to be cleaned, when.

SEC. 18. Whoever shall violate any of the previous provisions of article third of this ordinance, contained in the sections succeeding fifth section, shall forfeit and pay a sum not exceeding one hundred dollars. Penalty for violating ordinance.

SEC. 19. The street inspectors, or chief engineer, shall have power to require all persons to correct, remove or abate any state of things done, caused, suffered, or permitted by them, in violation of this ordinance; and upon their failure to comply with such requirement to correct, remove, or abate the same themselves, calling, if necessary, the assistance of the city police; and all costs attending their action in such cases shall be recovered against the party offending; and any person or persons refusing or neglecting to comply with the provisions of this ordinance, shall be deemed guilty of a misdemeanor, and fined not less than fifty nor more than one hundred dollars. Chief engineer, power to require corrections.

SEC. 20. In case of a fire occurring on any steamboat or other vessel in the harbor of the city of St. Louis, it shall be lawful for Penalty for disobedience to. Steamboat burning, to be removed from landing.

Other boats may  
be employed to  
tow out.

the mayor, or, in case he is not present, for the harbor-master, or chief engineer of the fire department, to charter and take possession of any steam ferry-boat, or other steamboat, at the landing, which may have steam up, or can soonest be got ready, and immediately put said steamboat into service to tow the burning vessel or vessels, or other steamboats likely to take fire, into a place of security, and to keep the same so engaged as long as necessity shall require.

Compensation  
for use of steam  
boat in towing.

SEC. 21. A reasonable compensation shall be paid, on the certificate of the mayor, out of the contingent fund of the city, for the use of any steamboat or ferry-boat so employed; and, whilst in the service of the city as aforesaid, such steamboat or ferry-boat shall be at the risk of the city, and be paid for by the corporation if destroyed by fire or sunk, or repaired at the city's expense in case of partial injury.

Loss to be borne  
by city.

Boats at landing  
to be moored.

SEC. 22. All steamboats and wharf-boats lying at the levee, within the harbor of the city of St. Louis, shall be safely moored and secured to the ringbolts on the wharf, by a good and sufficient iron head-chain and breast-chain to each boat; and the master, owner, or person in charge of any steamboat or wharf-boat not so secured, shall be deemed guilty of a misdemeanor, and be liable to a fine, on proof before the recorder, of not less than fifty nor more than one hundred dollars; and it is hereby made the duty of the harbor-master to enforce this provision, and report all parties offending against the same.

Penalty for vio-  
lation.

Steamboat not  
to be set adrift.

SEC. 23. Any person who shall cast loose the fastening of, or set adrift, any steamboat or wharf-boat which may be on fire in the harbor of St. Louis, unless by order of the mayor, harbor-master, or chief engineer of the fire department, shall be deemed guilty of a misdemeanor; and shall, on conviction before the recorder, be fined in a sum not less than one hundred nor more than five hundred dollars.

Penalty.

#### ARTICLE IV.

##### *Inspection of Buildings, and Prevention of Fires.*

Persons build-  
ing to make  
statement and  
obtain permit.

SECTION 1. When any person shall be about to erect a house or building within the city of St. Louis, he shall make a written application to the chief engineer of the fire department, stating

the number and extent of the building, the estimated cost, the exact spot of ground on which to be built, and the contract time for completion; and thereupon said officer shall, after inspecting the premises, issue a permit to occupy such a part of any street or alley for the purpose of placing thereon a lime-house or building materials, and for such time as may be necessary. Any person or persons building without having first obtained such permit, or violating the same after having obtained it, shall be immediately reported to the recorder, and fined not less than Penalty. fifty nor more than one hundred dollars.

SEC. 2. It shall be the duty of said officer to have a general supervision and inspection of all buildings in the course of construction; to cause to be carried into effect all ordinances provided for the prevention of fires, and for demolishing walls and other structures which endanger life and property; to see that all outside partition and parapet walls are constructed of marketable material, and of sufficient strength. He shall remove or prevent the construction of any fire-place, hearth, chimney or stove in any building, which may be dangerous in causing or promoting fires; he shall direct the safe construction for the deposit of ashes; and may enter into, at all reasonable times, and examine all dwelling houses, lots, yards, and inclosures, in order to discover if they are in a dangerous state, and to cause such as may be unsafe to be put in a safe and secure condition. Powers and duties of chief engineer touching erection of buildings.

SEC. 3. Any person who shall erect a house or building in the city without first taking out a permit, and in other respects complying with the requirements of section four of this ordinance, or who shall fail or refuse to conform with the instructions of said officer, in compliance with the requirements of this ordinance, shall be deemed guilty of a misdemeanor; and, on conviction thereof, shall be fined not less than five nor more than one hundred dollars for the first offense, and not less than ten dollars nor more than two hundred dollars for any subsequent offense: *Provided, however,* that such party shall be served with a notice in writing, setting forth distinctly some one of the dangers hereinbefore stated, with instructions to remedy the same without delay. Penalty for violating this article.

SEC. 4. It shall be the duty of said officer to keep a record of all permits issued, which shall be regularly numbered in the order Engineer to record permits and statements.



Register of  
buildings erec-  
ted.

of their issue, and also a record of the statements upon which permits are issued, and return the same to the city register at the end of every six months. He shall also keep a record of, and report to the common council, a full and complete register of the number, description, and size of every building erected in the city during his term of office; of what materials constructed, with the aggregates of the number, kind and cost of all buildings.

Powers of engi-  
neer touching  
origin of fires.

SEC. 5. It shall be the duty of said officer, upon the occurrence of every fire, instantly to repair to the spot and make diligent search and inquiry as to the probable cause thereof. He shall make a written statement, which shall be sworn to by him, and immediately published in the newspapers doing the city printing. He shall have power to make arrests of persons whom he has good reason to believe are incendiaries, and to administer oaths, and take the testimony of creditable witnesses who may be cognizant of any fact pertaining to the origin or cause of the fire.

Permits for re-  
pair of houses,  
how obtained.

SEC. 6. The requirements of section one in relation to the issue of permits shall apply to persons about to repair houses, provided they design to occupy any portion of the street on which to place building materials.

Duties of mayor  
and chief engi-  
neer concerning  
dangerous build-  
ings.

SEC. 7. Whenever the mayor shall be informed that any building or other structure is in a situation to endanger the lives of persons passing by or residing in the vicinity thereof, or endanger property, he shall forthwith notify the chief engineer of the fire department, who shall proceed to make a survey of said building or structure, and report to him his opinion of the same. If, from said report, the mayor shall believe that said building or other structure is in a situation to endanger the lives of persons, or injure property, he shall immediately notify the owner or agent of such building or other structure to have the same removed, or otherwise properly secured, within twenty-four hours thereafter; and should he or they fail to comply with said notice, it shall be the duty of the said officer to proceed forthwith to have the same demolished, or so much thereof as may be necessary. And if any such owner or agent shall fail to comply with the requirements of such notice, he or they shall be deemed guilty of a breach of this ordinance, and subject to a fine of not less than fifty dollars, nor exceeding one hundred dollars, to be sued for

Penalty for dis-  
obeying notice  
of mayor.

and recovered before the recorder, as in other cases of breaches of ordinances.

SEC. 8. The cost of demolishing walls and other structures which endanger life and property, provided for by this ordinance, shall be charged to the owners of such walls and other structures, and shall be collected of them by the collectors of the ward in which the same may be. The comptroller shall make out said bills and place them in the hands of the collectors, to be returned in twenty days if not paid; and in case of a failure to pay said bills, he shall place the same in the hands of the city counselor, to be sued for as in case of other debts due the city; and should said bills be paid upon presentation, the same shall be paid over by the collectors into the treasury, and credited to contingent fund.

Cost of demolishing walls, how collected.

SEC. 9. The above-named cost shall, in the first place, be paid by the city out of the contingent fund.

#### ARTICLE V.

##### *Gunpowder and Hemp.*

SECTION 1. Not exceeding one pound of gunpowder shall be allowed to be kept by any person or persons in any store, dwelling, building, or other place within the city, except retailers or venders of gunpowder in small quantities, who are authorized for that purpose to keep any quantity not exceeding thirty pounds: *Provided*, the same be kept in tin or metal canisters, or stone jars, with good and closely-fitted and well-secured covers upon such canisters or jars.

Gunpowder, how kept in city.

SEC. 2. Every retailer of gunpowder shall place on the building containing the same, over or at the side of the front door thereof, a sign, with the words "POWDER FOR SALE" printed thereon, in letters at least three inches in height.

Sign to be kept announcing gunpowder for sale.

SEC. 3. No person shall carry gunpowder on any vehicle, in any part of the city, unless the same shall be secured in kegs, boxes, or canisters, sufficiently close to prevent the grains thereof from falling out, and be laid upon and covered over with sheets of canvas or other cloth, under a penalty of one hundred dollars.

Gunpowder, how conveyed through streets.

Penalty.

SEC. 4. Whoever, having charge of any vehicle carrying more than one keg of twenty-five pounds of gunpowder, and shall have such vehicle with the gunpowder thereon within the limits of the

Penalty for keeping gunpowder certain time in city.

city for a longer time than one hour, and whoever shall suffer more than one keg of twenty-five pounds of gunpowder in his charge to be upon any street, alley, or sidewalk, longer than thirty minutes, shall, in either case, forfeit and pay a sum not less than ten nor more than fifty dollars: *Provided, however*, that such quantities of gunpowder as may be required for the supply of merchants and of wholesale dealers making up bills for the country trade may be brought into the city from the powder magazines or depots without the city during the day, and such powder shall be allowed to be kept in the city during the business hours of the day.

Sufficient for trade may be kept.

Boats carrying gunpowder subject to certain restrictions.

Penalty for violation thereof.

Regulations for unloading gunpowder from boat, etc.

Gunpowder to be taken to magazine when unloaded.

SEC. 5. No steamboat or other water-craft shall be allowed to land, touch, or remain at any part of the wharf or public landing, which has laden upon it any quantity of gunpowder exceeding three hundred pounds, except at the places and upon the conditions and under the restrictions hereinafter provided; and any master, owner, agent, or person in charge of any boat, or other water-craft, who shall violate the provisions of this section, shall be subject to a fine of not less than fifty dollars nor exceeding three hundred dollars for each violation thereof.

SEC. 6. Any boat, vessel, or water-craft, laden in whole or in part with gunpowder, may deliver the same to the owner or consignee thereof, at the port of St. Louis; but the same shall not be unladen at any point or part of the wharf or public landing between the north line of Myrtle street and the south line of Florida street; and before any gunpowder, in quantity exceeding one hundred pounds, shall be unladen from any boat, vessel, or other water-craft, it shall be the duty of the master, owner, agent, or other person in charge of said boat, vessel, or other water-craft, or the owner or consignee of such powder, to notify the city marshal, or one of his deputies, of the design and intention to unload such powder; and, upon being notified as aforesaid, it shall be the duty of the marshal or deputy (as the case may be) to superintend and see that such powder is securely unloaded, and all the provisions of this ordinance observed.

SEC. 7. All gunpowder taken or unladen from any boat or vessel, in quantity exceeding one hundred pounds, shall not be allowed to remain on any part of the wharf or public landing, nor on any street, lane, or avenue; but the same, as soon as

landed, shall be removed forthwith, in a proper and secure manner, as hereinbefore provided, by the most direct route from the place of unloading to the magazine or place of depot beyond the city limits.

SEC. 8. Any person or persons desiring to ship or load any powder upon any steamboat or vessel about to depart from the port of St. Louis, shall notify the marshal, or one of his deputies, of such desire, the name or description of the boat or vessel, and the place from whence the powder is intended to be shipped; and it shall be the duty of the marshal or his deputy (as the case may be), on being notified as aforesaid, to superintend and see that such powder is safely and securely transported by the most direct route to the boat or vessel on which the same is designed to be shipped or loaded, and see, also, that such powder is securely conveyed from the landing on board of such boat or vessel, and deposited thereon in a secure place from fire. And any boat or vessel, after having shipped aboard, as aforesaid, at the port of St. Louis, any quantity of gunpowder exceeding one hundred pounds, shall not be allowed to touch at, moor, or remain at any other part or portion of the wharf or public landing; but such boat or vessel shall proceed on her intended voyage without any unnecessary delay, and in no event remain within the corporate limits of the city exceeding six hours thereafter.

SEC. 9. Whoever shall, knowingly, bring within the corporate limits of the city any quantity of gunpowder, concealed in a box, barrel, parcel, package, or other thing, marked and purporting to be other than gunpowder, shall forfeit and pay five hundred dollars, and the gunpowder so concealed shall be forfeited and seized, and sold by the marshal, as hereinafter provided.

SEC. 10. If any affidavit be presented to the mayor, showing probable cause to believe that any person keeps, has, possesses or conceals any gunpowder, in violation of this ordinance, he shall issue to the city marshal a search-warrant, commanding him to search any place in quest of such gunpowder, which warrant shall be forthwith rigidly executed.

SEC. 11. Whoever shall violate any of the provisions of this article, and if no specific penalty or fine is prescribed for such violation, the person or persons guilty of any such violation, on conviction thereof, shall be adjudged to pay a fine not less than

Regulations for  
shipping gun-  
powder.

Penalty for  
bringing powder  
to city, con-  
cealed

Mayor to issue  
search-warrant  
for gunpowder,  
when.

Penalty for vio-  
lating this ordi-  
nance.



Gunpowder in violation of ordinance to be seized.

one hundred dollars, and not exceeding five hundred dollars. And all gunpowder kept, stored, removed, transported and exposed within the city, or unladen from, or laden upon, any steamboat or vessel, contrary to and in violation of any of the provisions of this ordinance, shall be liable to be seized by the city marshal, or by any city officer cognizant of the fact; and it is hereby made the duty of the city marshal, and all other city officers, forthwith to seize such powder and convey the same to a safe place beyond the city limits; and any and all quantities of gunpowder seized as aforesaid shall be sold by the city marshal, at public vendue, to the highest and best bidder, for cash, first giving three days' notice of the time, place, and terms of such sale in the newspapers employed by the city.

Marshal to sell gunpowder seized.

Provisions concerning hemp and hay.

SEC. 12. No baled hay, hemp, or cotton shall be stored between Wash street and Chouteau avenue, and the levee and Twelfth street: *Provided, however*, that baled hay may be kept for retail and packing purposes in quantities not exceeding twenty-five bales at any one place. No loose hay that will endanger contiguous property by its burning shall be stored on any lot or in any building within the city limits: *Provided, however*, that loose or baled hay may be kept in stables for immediate use. Any person violating the provisions of this section shall be fined not less than one hundred and not more than five hundred dollars.

Penalty.

Hemp manufactories not prohibited in certain limits.

SEC. 13. The provisions of the foregoing section shall not be held to prevent the establishment of manufactories of hemp in the city of St. Louis, without the fire limits of the same: *Provided*, that the buildings for said purpose shall be so constructed as to be fire-proof without.

Baled hemp, how long to remain on wharf.

SEC. 14. Baled hemp shall not be permitted to remain on the wharf for a longer time than twenty-four hours after the same is landed.

This article to extend to common.

SEC. 15. The provisions of this article are extended and declared to be in force over the St. Louis common. All ordinances or parts of ordinances conflicting with the provisions of this ordinance, are hereby repealed.

Approved, August 30, 1864.

(No. 4307.)

## FUND COMMISSIONER.

AN ORDINANCE TO PROVIDE FOR THE APPOINTMENT OF A FUND  
COMMISSIONER.

|                                     |     |                                       |     |
|-------------------------------------|-----|---------------------------------------|-----|
| <i>Compensation of fund commis-</i> |     | <i>Fund commissioner, compensa-</i>   |     |
| <i>sioner .....</i>                 | § 3 | <i>tion of.....</i>                   | § 3 |
| <i>Fund commissioner, how ap-</i>   |     | <i>Mayor, to appoint fund commis-</i> |     |
| <i>pointed .....</i>                | 1   | <i>sioner.....</i>                    | 1   |
| <i>term of office of.....</i>       | 1   | <i>annual settlement to be filed</i>  |     |
| <i>duties of.....</i>               | 2   | <i>with .....</i>                     | 2   |

*Be it ordained by the Common Council of the City of St.  
Louis.*

SECTION 1. The mayor of the city of St. Louis shall, as soon after the passage of this ordinance as practicable, nominate to the board of aldermen, to be confirmed by them, an officer to be called the "Fund Commissioner," who shall hold his office for two years from and after his appointment and confirmation, and until his successor is appointed and qualified, unless sooner removed for cause.

SEC. 2. The said fund commissioner shall perform all the duties required by act of the general assembly of the State of Missouri, entitled "An act to provide for the reduction of the city debt of the city of St. Louis," approved March 5, 1855; and make an annual settlement with the mayor in duplicate, one to be filed and preserved in the office of the comptroller, the other to be delivered to the commissioner.

SEC. 3. The said fund commissioner shall receive, in full compensation for his services, five hundred dollars per annum, to be paid out of the appropriation for salaries.

Approved, January 15, 1859.

(No. 5420.)

## HARBOR DEPARTMENT.

AN ORDINANCE ESTABLISHING AND REGULATING THE HARBOR  
DEPARTMENT.

|                                                                         |                                                                            |
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| to draw warrant for deficit in sales, when.....II, 11                   | <i>Coal-boats</i> not to pay wharfage V, 15                                |
| lumber-measurers to settle with.....V, 7                                | <i>Cobble-stone</i> , space for landing set apart.....V, 26                |
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*Be it ordained by the Common Council of the City of St. Louis.*

#### ARTICLE I.

##### *Harbor Department Established.*

SECTION 1. There shall be a department of the city government styled the "Harbor Department," which shall embrace the harbor-master and his deputies, the lumber-measurers, and the wood-master.

#### ARTICLE II.

##### *Harbor-Master.*

SECTION 1. The duties of the harbor-master shall be:

*First*—To direct the landing and stationing of all water-craft

Harbor depart-  
ment how com-  
posed.

Duties of harbor  
master



arriving at any point on the river bank within this city, and the discharge and removal of their cargoes, so as to prevent interference between different vessels and their cargoes; to superintend the arrangement of merchandise and materials for repairs, on the river bank, so that the same shall occupy as little space as possible; to see that all combustible materials on the river bank are sufficiently protected from fire; to keep the wharf and the river along the shore free from improper obstructions; to keep in repair the ringbolts provided for fastening vessels; to regulate and control, by proper rules to be established and published, all vehicles traversing the wharf, and to remove thence such as unnecessarily obstruct free passage upon said wharf or street; and generally to exercise complete supervision and control over the wharf, river bank, landing, and Front street, and over the lumber-measurers and wood-master.

*Second*—To register in a suitable book the date of the arrival and departure of every water-craft, except wood and coal boats, with its name and tonnage by custom-house measurement, the name of its master, and the place whence it came; and to report the same, with the wharfage collected from each, to the city register, under oath, on the last Saturday of each month; and to report to the council, on the first day of each stated session thereof, the whole amount of arrivals during the preceding six months, the description and tonnage of the vessels, and the amount of wharfage collected therefrom.

*Third*—On Saturday of each week to pay to the city treasurer all moneys collected by him during that week; and on the first Monday of each month to settle with the city auditor for all moneys collected by him, and for moneys paid out by him, under authority of ordinance, during the previous month, and for blank certificates received by him from the register; and,

*Fourth*—To keep regular accounts, in suitable books, of all moneys received by him and expended on account of the city, or paid into the city treasury.

SEC. 2. The harbor-master shall, at all times, and forthwith, cause to be removed all obstructions which may be found at any landing set apart at the wharf for ferry-boats, packet-boats, or scavenger-boats; and whenever any such obstruction shall be found to exist, the harbor-master shall at once notify the person

Further duties  
of harbor mas-  
ter.

Further duties  
of harbor mas-  
ter.

Further duties.

To cause ob-  
structions to be  
removed from  
wharf



having charge or control of such obstruction to remove the same forthwith.

Proceedings on disobeying order to remove obstructions.

SEC. 3. If such obstruction be not forthwith removed, the person or persons who caused such obstruction to be placed on the wharf, or the owner or person having control of the same, shall be deemed guilty of a breach of this ordinance, and the harbor-master shall at once report such person to the recorder; and upon such report the recorder shall issue his summons against the party so reported, returnable forthwith, and shall try the complaint forthwith.

Penalty.

SEC. 4. If the party so reported, upon trial, be found to be guilty, he shall be fined in a sum not less than ten nor more than two hundred dollars; and the party so reported shall be liable to the penalties of this ordinance for each day that he shall permit such obstruction to remain.

To provide posts and ring-bolts for fastening vessels.

SEC. 5. The harbor-master shall, under the direction of the mayor, provide, at the expense of the city, suitable posts and ringbolts for boats and rafts to make fast to, and keep the same in repair, and charge the city with the expense thereof, which shall be allowed in the settlement of his account.

When to extend wharf.

SEC. 6. As soon as the wharf shall be made suitable for the landing of goods, and the depth of water will justify, north of Cherry street and south of Elm street, the harbor-master is hereby further directed to extend the steamboat landing north and south, so as to give all the room required by the boats for landing and receiving freight, and for the free passage of drays and other vehicles; at the same time designating the line of boundary for each class, as is provided in this ordinance, according to the wants of the different classes at the time of such extension.

Water craft to be moored as directed by harbor master.

SEC. 7. Hereafter, all keel-boats, barges, and other water-craft, otherwise than steamboats and wood-boats, shall be moored at such points or places at the public wharf or landing as may be designated therefor, for the time being, by the harbor-master; and any owner, agent, master, or other person, having in charge any keel-boat, barge, or other water-craft, coming within the purview of this section, who shall neglect or refuse to conform to the orders and regulations of the harbor-master, and moor such keel-boat, barge, or other craft, at the point or places designated by the harbor-master, the persons so neglecting or

refusing shall be deemed guilty of a breach of this ordinance, and subject to a fine of not less than fifty dollars, nor exceeding the sum of one hundred dollars, to be sued for and recovered Penalty. before the recorder as in other cases of breach of the city ordinances.

SEC. 8. If the owner, agent, or consignee of any goods, Harbor - master to remove goods left on wharf. wares, or merchandise, or other thing, shall suffer the same to remain upon the wharf or public landing for a longer period than is allowed by the ordinances of the city and the regulations of the harbor-master, it shall be the duty of the harbor-master forthwith to remove such goods, wares, or merchandise, or other thing, to some suitable and safe place, and for that purpose may employ laborers, drays, and teams; and the expense of such moving shall be chargeable against the party suffering such thing Cost of removal, who to pay. or things so to remain on the wharf or public landing.

SEC. 9. Immediately after the removal of any such goods, Cost remaining unpaid, goods to be sold. wares, merchandise, or other thing, as provided in the foregoing section, it shall be the duty of the harbor-master to make out an account of the expense of such removal, and demand the payment thereof of the owner, agent, or consignee of the thing or things removed, if such owner, agent, or consignee has a known place of business in the city; if not, no demand shall be necessary. And if the expenses of such removal are not paid within five days after such demand, in cases where a demand is required to be made, or within ten days when a demand is not required to be made, in either case it shall be the duty of the harbor-master to cause the goods, wares, merchandise, or thing removed, to be sold at public auction, to the highest bidder, for cash, first giving three days' notice of the time and place of sale by publishing the same in one or more of the newspapers employed by the city; and, after deducting from the proceeds of such sale the expenses of such removal and of such sale (which expenses shall be ascertained by the comptroller and the amount thereof approved by him), the balance shall be paid to the city treasurer, and credited by him to the wharf fund, and he shall report the amount so paid to him to the comptroller and city auditor. The provisions of Comptroller to direct sale, etc. this section shall be conducted under the direction of the comptroller, who shall have the whole guidance and management thereof.

Balance may be paid to owners, etc.

SEC. 10. Whenever the owner, agent, or consignee of any goods, wares, merchandise, or other thing, sold as hereinbefore provided, shall make satisfactory proof before the auditor, by affidavit or deposition in writing, that such owner, agent, or consignee is entitled to receive the balance of the proceeds of any such sale so paid to the treasurer, it shall be the duty of the auditor to draw his warrant on the treasurer for such balance, payable out of the wharf fund, and take a receipt therefor.

If proceeds of sales insufficient, balance to be paid out of wharf fund.

SEC. 11. If, upon the sale of any goods, wares, merchandise, or other thing, so removed, the proceeds shall not be sufficient to defray the expense of such removal and sale, the harbor-master shall render an account thereof, verified by his affidavit, to the city auditor, showing the gross amount of such sale and of the deficit; and thereupon the auditor shall draw his warrant in favor of the harbor-master upon the treasurer for the amount of said deficit, including the sum of three dollars as compensation to the harbor-master, payable out of the wharf fund.

Harbor-master may employ special policemen.

SEC. 12. The harbor-master shall have power, with the consent and approval of the mayor and commissioners of police, to employ not more than two special policemen, for the purpose of regulating drays, etc., and assist in the mooring and stationing of boats, and other matters connected with his duties. The said policemen shall have the same power to make arrests as other members of the police; shall be commissioned by the mayor, and shall receive a compensation of fifty dollars per month.

Commission and compensation of.

Boats and rafts prohibited from landing in front of waterworks.

SEC. 13. The harbor-master shall be instructed to prevent the landing in front of the city waterworks buildings of any steamboat, barge, flatboat, or other water-craft, or rafts of logs or lumber. And any owner or master, officer, agent, or servant of any boat as above, who shall violate the provisions of this section, shall be fined for the first offense any sum not less than twenty dollars nor more than fifty dollars, and for every subsequent offense not less than fifty dollars nor more than five hundred dollars.

Penalty.

### ARTICLE III.

#### *Lumber-Measurers.*

Lumber-measurers, how licensed.

SECTION 1. The register is hereby authorized and directed to issue a license, to exercise the office of lumber-measurer for the term of one year, to any person who shall apply for the same:

*Provided*, such person shall pay into the city treasury the sum of twenty dollars for such license, and shall give bond to the city in the penal sum of one thousand dollars, with one or more securities, to be approved by the mayor, conditioned for the faithful performance of the duties of said office, and to indemnify all persons against any fraud, collusion, or error on his part. To give bond.

SEC. 2. No person shall exercise the office of lumber-measurer, as above, unless he shall have taken out a license as hereinbefore provided, under a penalty of not less than ten nor more than one hundred dollars, to be sued for and recovered before the recorder as in other penalties. Penalty for acting without license.

SEC. 3. All boards, planks, scantling, joists, and square timber of every kind, brought to this city by water, if measured on the wharf or landing, shall be measured by the lumber-measurer. Timber, etc., who to measure.

SEC. 4. The lumber-measurer, immediately upon any thing being landed on the wharf or landing, the charges upon which it is made his duty to collect, shall, by the bill of lading thereof, by the oath of a credible person, by measurement, inspection, counting, or otherwise, as he may see fit, ascertain the quantity of such article in order to determine the amount of wharfage to be charged thereon: *Provided*, that all lumber brought to the city by steamboats and other water craft that pay wharfage for discharging freight on the wharf or landing, owned by a lumber merchant doing business within the city and paying a license therefor, is hereby permitted to be landed on any part of the wharf or landing not paved with stone on edge, and not set apart for other purposes, unless otherwise directed by the harbor-master, free of wharfage: *Provided, also*, the same is removed from the wharf within two days after it is landed. To ascertain quantity of articles landed, for wharfage. Certain lumber to land free of charge.

SEC. 5. All articles brought to this city by water and landed on the wharf or landing, and which are placed under the supervision of the lumber-measurer, shall be placed where and in such manner as that officer may direct. Lumber measurer to direct landing of articles.

SEC. 6. All boards, planks, scantling, joists, and square timber of every kind, measured by a lumber-measurer on the wharf or landing, shall be placed, assorted, and handled for measurement by the owner thereof, or at his expense, by persons employed by the lumber-measurer for that purpose. Timber, etc., to be handled at expense of owner.



Manner of measuring timber, etc.

SEC. 7. All boards, planks, scantling, joists, and square timber of every kind, shall be assorted into lengths, and laid in separate and distinct piles; and each thickness of plank and dimension of timber thus assorted shall be measured separately.

Certificate to be given by lumber measurer.

SEC. 8. The lumber-measurer shall, upon measuring any lumber, give a certificate, stating the quality and quantity thereof.

Classes or boards and planks.

SEC. 9. Boards and planks shall be classed as first-rate, common, and refuse.

First class

SEC. 10. The first-rate shall comprise all boards, planks, joists and scantling which contain no knots, which are square-edged, of equal thickness, in all respects sound and free from shakes, and which shall be half heart on the sap side.

Common class.

SEC. 11. The common class shall comprise all boards, planks, joists and scantling that are sound, free from shakes and unsound or large knots, square-edged, of equal thickness, and which are one-fourth heart on the sap side.

Refuse class.

SEC. 12. The refuse class shall comprise all boards, joists, scantling or plank not comprised in the first or common class.

Uneven planks, etc., how measured.

SEC. 13. Should the planks, joists, scantling or boards, comprised in the first and common classes, be of unequal width at the ends, they shall be measured at the narrow end and on the sap side; and the lumber-measurer shall make such allowances as are necessary for straightening and squaring the same.

Refuse class, how measured.

SEC. 14. The refuse class shall be measured on the narrow side, and at the middle or average width, with the planks, joists, or scantling.

Measurement, how computed.

SEC. 15. The measurement of all boards, planks, scantling and joists, and square timber, of less dimensions than one foot square, shall be by the foot of one hundred and forty-four solid inches, except one-and-a-quarter-inch plank, which shall be measured as inch plank.

Measurement of solid timber, how computed.

SEC. 16. The measurement of all timber twelve inches square, or of that dimension which shall contain one hundred and forty-four square inches on the end, and all over that size, shall be computed by the solid foot of seventeen hundred and twenty-eight solid inches.

Place of landing of certain timber.

SEC. 17. The wharf lying between Morgan and Cherry streets is hereby set apart, or so much as may be required, for the landing of lumber, planks, scantling, laths, logs, shingles, rails, posts,

and timber, brought to this city by water, under the direction of the lumber-measurer.

## ARTICLE IV.

*Wood-Master.*

SECTION 1. The office of wood-master is hereby created, who shall be appointed by the mayor, by and with the consent of the board of common council, who shall hold his office for one year.

Wood-master,  
how appointed.

SEC. 2. The wood-master shall, before being commissioned, take the oath and give the bond required of other city officers.

To give bond.

SEC. 3. Said bond shall be in the sum of two thousand dollars.

Amount of bond.

SEC. 4. It shall be the duty of the wood-master to superintend and direct the landing of all firewood brought to the city by water and landed on the wharf or landing, and to cause the same to be piled up in a close and compact manner, and to measure the same, and to collect the charges authorized to be collected thereon; and to exercise, under the control of the harbor-master, a general supervision over the wharf in relation to firewood landed thereon. And any person who shall take or carry away any wood from the cords when measured, except the purchaser thereof, shall be fined the sum of twenty-five dollars for each and every offense.

Duties of wood-  
master.

Penalty for car-  
rying off meas-  
ured wood.

SEC. 5. The wood-master shall collect, as a wharfage tax on all firewood landed or placed on the wharf, [of] ten cents a cord for each cord when landed, with the permission of remaining on the wharf a length of time not to exceed one month; and whenever the same shall remain a greater length of time than one month, it shall be required to pay ten cents a cord every thirty days: *Provided*, that no portion of the paved wharf be occupied by wood, under any circumstances, except from the first of November to the first of March.

Wharfage tax on  
firewood.

No wood to be  
placed on paved  
wharf, when.

SEC. 6. A cord of wood shall be computed as one hundred and twenty-eight cubic feet, and all firewood shall be sold by the cord or fractional part of a cord. The wood-master, when measuring wood, shall rate the length of the wood at four feet, including one half of the kerf.

Cord of firewood,  
how computed.

SEC. 7. The wood-master shall, whenever required to do so by any vender or purchaser of firewood, measure and mark off any quantity of firewood required; and shall be authorized to receive

To measure fire-  
wood when di-  
rected.

Fee for measuring. for every such measurement, from the person in fault or in error, a fee of five cents per cord.

Salary of wood-master. SEC. 8. The wood-master shall receive for his services, in addition to the fees authorized by the preceding section, a salary of one thousand and twenty\* dollars per annum.

Penalty for violating this ordinance. SEC. 9. Any person who may violate any provision of this ordinance shall forfeit and pay a fine of not less than fifty nor more than two hundred dollars for each offense, to be collected as other fines are.

How firewood may be measured. SEC. 10. Firewood brought to this city by water, for private use, and not for sale, may, at the option of the owner, be measured in the bulk or boat-load.

Logs on landing to be cut and measured. SEC. 11. Persons bringing logs to this city by water, or purchasing the same after they are brought, and, in either case, putting the same on the wharf or landing for firewood, whether for sale or not, shall have the wood, when cut, corded and measured by the wood-master, in order that he may ascertain the quantity thereof.

Not to be cut on public wharf. Penalty. SEC. 12. No logs shall be cut up into firewood on the public wharf or landing, at a penalty of ten dollars for each and every offense.

Wood-master to be present on wharf. SEC. 13. The wood-master, or one of his deputies, shall be at all times, from sunrise until dark, upon those parts of the wharf or landing where firewood is directed by ordinance to be landed and sold.

Keepers of wood yards to deliver tickets. SEC. 14. Every person keeping a wood-yard, and selling wood in small quantities, shall deliver to the purchaser thereof a ticket setting forth the quantity so sold, in cords and fractional cords; and any person delivering a less quantity than set forth in said ticket shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not less than ten dollars nor more than one hundred dollars, to be recovered as prescribed by the ordinances of the city.

Penalty for delivering false tickets. SEC. 15. All wood-boats and craft landing freight of any kind on the wharf or landing in this city shall have a name painted on some conspicuous part of such boat or water-craft, with letters at

Wood-boats to have name on.

\*The amount of salary in the original bill is six hundred dollars; it was raised by ordinance No. 5359, approved July 4, 1864, and by ordinance No. 5439, approved September 9, 1864.

least six inches long, and placed so that it may be easily read from either side; and any owner or master of a boat or other water-craft who is guilty of landing any vessel contrary to the provisions of this section, shall, upon conviction, forfeit not less than twenty-five dollars.

Penalty for neglect.

SEC. 16. There shall be no wood or coal landed on the present paved portion of the wharf: *Provided*, that coal may be landed on one-half block at each end of the paved levee, and the harbor-master shall collect wharfage of all boats landing coal at the same rate per ton as wood-boats pay per cord for landing wood.

Wood or coal not to be landed on paved wharf, except.

Wharfage for coal landed.

## ARTICLE V.

### *Rates of Charges, and General Instructions.*

SECTION 1. Steamboats shall have preference, in landing at the wharf or landing, over other vessels and over rafts; but no vessel or raft shall, while discharging or receiving cargo, or being broken up, be compelled to leave its place to give room for a steamboat.

Steamboats to have preference in landing.

SEC. 2. The following time shall be allowed to boats to discharge and take in cargo at the wharf, according to their tonnage: To boats of sixty tons burden or less, five days; to those of over sixty and not exceeding one hundred tons, six days; to those of one hundred and not exceeding one hundred and fifty tons, seven days; to those of one hundred and fifty and not exceeding two hundred tons, eight days; to those of two hundred and three hundred tons, nine days; and those of three hundred tons and upwards, ten days.

Time allowed steamboats to discharge and take in cargo.

SEC. 3. The harbor-master may, in any case, for good cause shown, extend the aforesaid time for a period not exceeding three days.

Harbor-master may extend time.

SEC. 4. The harbor-master shall require any boat which is leaking, so as to be in danger of sinking in the harbor, to be removed therefrom without delay; and the persons in charge of said boat, upon being required, shall forthwith remove the same thence.

Boat leaking to be removed from harbor.

SEC. 5. If any boat sink in the harbor of St. Louis, the harbor-master shall forthwith take possession of the wreck, with the view of its immediate removal. If the owner, or any respons-

Wrecks, how removed from harbor.



ible party representing the owner or underwriters, will give such a bond, with security, as shall be satisfactory to the harbor-master, binding such party to remove the wreck in such reasonable time as the harbor-master shall designate, the harbor-master shall in that case surrender the wreck to the person or persons claiming the same. But if no such bond is given, the harbor-master shall proceed forthwith to save all the property possible from said wreck, and cause the said wreck and every part thereof to be removed, with the least possible delay, from the landing. The property saved, including the furniture, engine, hull, tackle, and apparel of the sunken boat, shall be sold by the harbor-master at public auction; and the proceeds, after deducting reasonable salvage on merchandise, and the cost of removal of said wreck, if there should be any balance after payment of charges, shall be paid over to the parties respectively entitled to receive the same. If, however, the amount saved and sold is not sufficient to pay the expenses incurred, the residue shall be paid out of the city treasury, on the sworn account of the harbor-master, and shall be charged to wharf. The expenses shall be fairly apportioned, charging the wreck with only the actual amount expended in its removal, and other property a reasonable salvage; and no contract for the removal of any wreck in said section mentioned, nor for any work therewith connected, made by the harbor-master, shall be good and valid, or binding on the city, unless the same has been first approved by the mayor.

Cost of removal,  
how paid.

Register of arti-  
cles brought to  
city to be kept  
and reported.

SEC. 6. The lumber-measurers and the wood-master shall, respectively, keep, in suitable books, a register of all articles brought to this city by water and placed under their respective supervision; and they shall report, under oath, to the city register, on the last Saturday of each month, and without oath, to the council, on the first day of each stated session thereof, the aggregate quantity of all such articles so brought to this city during the previous month, or six months, as the case may be.

Settlements to  
be made with  
auditor.

SEC. 7. Said officers shall, on the last Saturday of each month, pay the city treasurer all wharfage collected by them during the preceding month, and, at the same time, settle with the city auditor for the same, and for all the blank certificates received by them from the city register.

SEC. 8. All persons are required to comply, in all particulars,

with the directions of the harbor-master, the lumber-measurers, and the wood-master, in relation to all matters herein placed under their respective supervision. Harbor officers to be obeyed.

SEC. 9. Everything landed on the wharf or landing, except pig-lead, pig-iron, lumber, scantling, and fire-wood, shall be removed therefrom within forty-eight hours after being landed, unless the same shall have been landed for the purpose of reshipment, in which case it shall be removed within seventy-two hours after being landed: *Provided, however*, that the time for which baled hay and hemp shall be permitted to remain on the wharf shall not exceed twenty-four hours after the same is landed, anything in this or the preceding section to the contrary notwithstanding. Articles landed to be removed from wharf, in what time.

SEC. 10. Pig-lead and pig-iron, if compactly piled up, may, with the permission of the harbor-master, remain on the wharf not exceeding twenty days. Pig metal may remain twenty days.

SEC. 11. Lumber, scantling, and fire-wood shall be removed from the landing within six days after being landed. Wood may remain six days.

SEC. 12. No person shall deposit, or cause to be deposited, upon the wharf, any nuisance, incumbrance, or impediment, or any article not intended for shipment or for delivery in the city, or shall stop any drift-wood in the Mississippi river, from Bissell Ferry street north, to Lesperance street south. Wharf not to be incumbered.

SEC. 13. The harbor-master shall collect from each boat employed in trade, except flat-boats, keel-boats, ferry, wood, and coal boats, which shall come within the harbor of this city and land at the wharf or landing, or be made fast thereto, or to any boat thereto fastened, or shall receive or discharge any freight or passengers in this city, seven and a half cents for each ton of said boat's burden, by custom-house measurement: *Provided*, that the harbor-master is satisfied the enrollment of said steamboat or barge is correct; and if not so satisfied, he is hereby empowered to re-measure said steamboat or barge, according to the rules and regulations of the United States, and to collect wharfage according to such measurement; and any person or persons, having in charge any such steamboat or barge, who shall refuse to permit said harbor-master to measure any such steamboat or barge, shall forfeit and pay not less than one hundred nor more than five hundred dollars for each and every refusal. Amount of wharfage to be paid.  
Harbor - master may re-measure boats.  
Penalty for refusing to permit re-measurement.

Wharfage for flat and keel-boats.

SEC. 14. For flat and keel boats, coming into the harbor as aforesaid, said officer shall collect, for the first day they shall be therein, one dollar, and for each subsequent day fifty cents.

Certain boats to pay no wharfage.

SEC. 15. From ferry, wood, and coal boats no wharfage shall be collected; but all wood-boats, whether loaded or empty, shall, after remaining at the landing for the space of seven days, be removed, to make room for others, under order of the wood-master.

When to be removed.

Tow-boats responsible for boats towed into harbor.

SEC. 16. The harbor-master may collect the wharfage chargeable against boats towed into the harbor, from the tow-boat which towed them in; and the tow-boat shall, in all cases, be held responsible for the wharfage due on the boats which it shall have towed in the harbor; and tow-boats shall be subject to all the provisions and penalties, prescribed in the ordinances regulating the harbor department, which would apply to the boats which they may have towed into the harbor.

Wharfage to be paid for remaining at wharf longer than designated.

SEC. 17. From every boat liable to the payment of wharfage, the harbor-master shall collect two cents per ton for each day it shall remain at the wharf longer than the time herein designated, unless such boat be laid up or undergoing repairs, and be occupied [occupying] the place assigned to it by the harbor-master: *Provided*, that if such boat do not remain after the time she may legally remain more than five days, the harbor-master may, instead of demanding the said two cents per ton, receive from such boat double the amount of wharfage hereinbefore prescribed.

Wharfage to be collected by lumber-measurers.

SEC. 18. The following amounts shall be collected by the lumber-measurers for the wharfage [s] on the articles designated, when landed on the wharf or landing, or on any vehicle standing thereon, to-wit: On boards, planks, scantling, and joists, ten cents per thousand feet, board measure; on timber, more than twelve inches square, ten cents per hundred feet, cubic measure; on shingles and laths, three cents per thousand; on clapboards, staves, wagoners' and coopers' stuff, of all kinds, ten cents per thousand; on cedar and other posts, not more than eight feet long, twenty cents per hundred; more than eight and not more than twelve feet long, thirty cents per hundred; more than twelve and not more than sixteen feet long, fifty cents per hundred; over sixteen feet long, in the same proportion as the last. On longs, [logs] which are not on the landing for firewood, fifty cents per hundred; on rails, ten cents per hundred.

SEC. 19. A lumber-measurer shall be entitled to collect, for his own use, the following sums, to-wit: For measuring, inspecting, counting, and marking boards, planks, scantling, and joist, if in one class altogether, or divided into two classes, ten cents per thousand feet; if divided into three classes, fifteen cents. On timber more than twelve inches square, ten cents per thousand feet; on shingles, laths, rails, wagoners' and coopers' stuff, one cent per thousand; on posts of all kinds and dimensions, five cents per hundred.

Fees of lumber  
measurers.

SEC. 20. The charges collected by the lumber-measurer, under the preceding section, shall be in full, and his only compensation for the performance of the duties of his office.

Fees to be in full  
for his services.

SEC. 21. Whenever either of the officers of this department shall collect any wharfage as aforesaid, he shall deliver to the party paying the same a certificate, received from the register, stating the time and the amount of the payment, and the thing for which the payment is made.

Harbor officers  
to give receipt  
for wharfage.

SEC. 22. The lumber-measurers and the wood-master shall, at all times, keep in their employment a sufficient number of deputies to insure proper and prompt attention to all the duties enjoined upon them in their respective offices.

Lumber-measurers  
and wood-master  
to keep  
deputies.

SEC. 23. It shall not be lawful for the lumber-measurers or the wood-master, or any of the deputies of either, directly or indirectly, personally or by another, to be engaged in the buying or selling of any of the articles herein placed under their respective supervision.

Not to deal in  
articles under  
their supervision.

SEC. 24. Whoever, owning, claiming, or having charge of any boat, lumber, firewood, or other articles, upon which charges are herein imposed, shall neglect or refuse to pay any such charges on demand by the proper officer, and whoever shall remove any boat or other thing, upon which charges are imposed, from the wharf or landing, without first having paid the charges thereon, or shall fail to obey the directions of either of the officers herein named, or of any of their deputies, in relation to any matter placed under his charge, or shall, in any manner, violate or fail to comply with any of the foregoing provisions of this ordinance, shall forfeit and pay not less than five nor more than one hundred dollars, together with the amount of wharfage or other charges due the city.

Penalty for failing  
to pay charges,  
or disobeying  
harbor officers.



Cargo not to be received or discharged on Sunday ; penalty.

SEC. 25. It shall not be lawful to receive upon, or discharge from, any boat in the harbor of this city, any freight or cargo on Sunday. Whoever shall violate this section shall forfeit and pay not less than two hundred dollars.

Landings set apart for cobble-stone, sand and gravel.

SEC. 26. The harbor-master is hereby instructed to set apart landings for sand, cobble-stone and gravel—one north of Cherry street, the other south of Myrtle street. The space thus set apart shall not exceed one hundred and fifty feet in length for each landing ; said landings to be on the paved portion of the wharf.

Regulations for landing sand, etc.

SEC. 27. The harbor-master shall charge and collect wharfage from the owner or person landing barges or flat-boats bringing the sand, cobble-stone, or gravel, at the same rate charged for the same description of boats bringing other articles to the public wharf ; and shall allow the owner or consignee the same length of time for the removal of the sand, cobble-stone, or gravel, as is allowed for the removal of other articles ; and shall have the same power to remove sand, cobble-stone, or gravel, that may be left remaining after the time allowed, as in other cases.

Penalty for removing paving-stone from wharf.

SEC. 28. Any person or persons who shall, without the permission or authority of the city engineer, remove any paving-stone from the paved portion of the wharf, for the purpose of setting a spar, or for any other purpose, shall be deemed guilty of a misdemeanor ; and, on conviction, shall be fined not less than ten dollars nor more than fifty dollars.

Dunnaging, how conducted.

SEC. 29. Any person, or copartnership of persons, may carry on the dunnage business on the wharf, subject to such rules on the subject as the chamber of commerce may adopt: *Provided*, that such person or persons make affidavit, before the register, of the number of skids kept by them on the wharf, and shall pay for each skid so kept the sum of six cents, which money shall be placed in the treasury to the credit of the wharf fund.

Amount to be paid for each skid.

Harbor-master to regulate deposit of skids.

SEC. 30. The harbor-master shall, at all times, have control over and regulate the amount of space occupied for depositing skids and other apparatus.

## ARTICLE VI.

*Wharf-boats.*

SECTION. 1. The harbor-master is instructed to make the following deductions from the regular established rates of wharfage on all steamboats making regular trips as packets between the city of St. Louis and in the vicinity thereof oftener than once a week, viz: On every boat leaving the city daily, sixty-six and two-thirds per centum; on those boats leaving every other day, thirty-three and one-third per centum; and on those boats twice a week, twenty-five per centum, except as hereinafter provided.

Deductions on  
regular packets.

SEC. 2. The harbor-master is authorized to grant the privilege to the owners of the Alton packets of having a wharf-boat at the landing; and in lieu of the regular rate of wharfage fixed by ordinance, the owners of any such boat, designed to ply as a regular packet between St. Louis and Alton, may pay to the harbor-master the sum of twelve hundred and fifty dollars in full, of six months' wharfage, in advance, and take his receipt therefor; and on the production of such receipt the register shall issue a license to the party to run one steamboat as a regular packet between this city and Alton for the period of six months from the date of said receipt, any ordinance to the contrary notwithstanding.

Alton packet  
may pay certain  
amount in full  
for six months.

License to be  
issued for such  
boat.

SEC. 3. The boats of the Keokuk packet company shall be charged the same rate of wharfage as is required of steamboats making regular trips as packets between the city of St. Louis and in the vicinity thereof, as specified in the first section of this article.

Keokuk packets.

SEC. 4. The harbor-master be and is hereby instructed to set apart that portion of the levee bounded on the north by Spruce street, and on the south by Poplar street, for the landing of all the steamboats, barges, and canal-boats going to and coming from the Illinois river.

Illinois river  
boats; landing  
of.

SEC. 5. Said landing so set apart shall be known as the "Illinois boats' landing," and all produce brought on said boats shall be deposited on the same; and the harbor-master is specially charged with the enforcement of this ordinance [section].

Produce to be  
deposited on  
landing,

SEC. 6. The harbor-master be and is hereby authorized to

New Orleans  
railroad pack-  
ets, wharf-boat  
of.

assign to the owners of the St. Louis and New Orleans railroad line of packets a place at the wharf, near the foot of Market street, for the purpose of mooring a wharf-boat, to be used by them exclusively in the business of said line: *Provided*, it does not occupy more than three hundred feet.

Northern line of  
packets, wharf-  
boat of

SEC. 7. The agent or owners of the Northern line of packets trading to and from St. Paul, be, and they are hereby, directed and required to remove their wharf-boat from the place at which it is at present moored; and they are hereby authorized to place or moor at the landing, between Morgan and Green streets, under the direction of the harbor-master, a wharf-boat, not to exceed three hundred feet in length, to be used exclusively in the business of said line. The said wharf-boat, when so placed and moored, shall not affect in anywise whatsoever the wharfage tax or dues on any boat so engaged in said trade, and Northern line of packets; and all wharfage shall be collected from each and every boat landing alongside of said wharf-boat, as though the same was not there.

Wharfage tax  
on, how col-  
lected.

Memphis pack-  
ets, wharf-boat  
of.

SEC. 8. The agents or owners of the Memphis packets trading to and from Memphis, be and they are hereby directed and required to establish their wharf-boat at the landing between Locust and Chesnut streets, under the direction of the harbor-master. Said wharf-boat shall not exceed three hundred feet in length, and to be used exclusively for said line; and no other boat shall be allowed to use said wharf-boat or any part thereof.

Wharfage for,  
how collected.

SEC. 9. The said wharf-boat, when so established, shall not affect in anywise whatsoever the wharfage tax or dues on any boat so engaged in said trade, and Memphis line of packets; and all wharfage shall be collected from each and every boat landing alongside of said wharf-boat, as though the same was not there.

Present wharf-  
boat, not to be  
removed.

SEC. 10. This ordinance shall not be so construed as to allow the removal of the wharf-boat now owned by the Memphis and Northern line of packets.

Penalty for vio-  
lating this ordi-  
nance, or keep-  
ing articles on  
boat for trans-  
shipment.

SEC. 11. No person shall be permitted to act as agent of the owners of any wharf-boat, for the purpose of stowing or keeping any article on board said boat for sale or transshipment, under a penalty (to be sued for and recovered against the owners of said boat) of fifty dollars for violating any of the provisions of this ordinance.

SEC. 12.\* That portion of the wharf commencing at a line in continuation of the southern line of Market street east to the river, and thence south six hundred feet, for the whole width of the wharf, excepting seventy feet carriage-way, east of the curb-stone, of blocks numbers six and seven, is hereby designated as the wharf of the Atlantic and Mississippi steamship company's steamers and vessels, and the mooring of their wharf-boats, and for loading and discharging their vessels; subject, however, to the control of the harbor-master, the same as other portions of the wharf.

Atlantic and Mississippi steamship company; place of landing for.

SEC. 13. No freight shall be stored or other obstruction placed on the carriage-way designated in section twelve of this article.

Carriage-way not to be obstructed.

SEC. 14. Said Atlantic and Mississippi steamship company shall have liberty to erect a shed, not exceeding three hundred feet long and twenty feet high, on said portion of the wharf, for the protection of freight from rain; but such shed shall rest upon iron pillars, and the roof of the same be fire-proof, so as not to endanger adjacent property.

May erect a shed on levee.

SEC. 15. The Atlantic and Mississippi steamship company shall have the use of that portion of the wharf designated by this ordinance for the term of ten years from the passage thereof, subject to the payment of wharfage as regulated by the ordinances of the city; and said company shall further pay an annual rent of one thousand dollars to the city of St. Louis, to be collected and payable to the comptroller, and placed to the credit of the wharf fund.

To have landing for ten years.

Annual rent to be paid for.

SEC. 16. † The Memphis and St. Louis packet company is hereby authorized, at its own cost and expense, to erect a platform on the front or eastern slope of the levee, between Pine and Olive streets. The top of the platform shall be level with the paving of the eastern edge of the western plain of the levee, and may extend as near to the edge of the water as shall be deemed convenient. The platform shall have a front on the river of about one hundred and twenty-five feet, with wings or aprons sloping

Memphis and St. Louis packet company, authorized to erect platform.

\* Sections 12, 13, 14, and 15, are not part of the original ordinance, but form sections 1, 2, 3, and 4, of ordinance No. 5503, approved February 13, 1865.

† Sections 16, 17, and 18, are ordinance No. 5562, approved March 24, 1865.



north and south to meet the pavement of the levee, and to afford easy access in all directions to the top of the platform; the aprons shall have an extreme length of about eighty feet. The front of the platform shall have a curb along it, to prevent vehicles from backing over it; and the front shall also be closed in, so as to prevent any thing from passing under it. The whole structure shall be erected according to a plan which shall be approved of by the city engineer, and according to his directions; and the said company shall at all times keep the platform clean and in complete repair, at its own expense.

Platform to be  
used as landing.

SEC. 17. The said company shall have the use of said platform as a landing, in the same manner as that portion of the levee which is set apart for it as a landing, and subject to all the regulations governing the use of other portions of the levee.

May be removed,  
when.

SEC. 18. Should the mayor and engineer at any time deem the platform to be detrimental to the public, then the said company shall alter or remove the platform as the mayor and engineer may direct.

## ARTICLE VII.

### *Ferries.*

No ferry to be  
kept without li-  
cense.

SECTION 1. No person shall keep a ferry within the limits of this city, so as to demand and receive pay for transporting persons or property across the Mississippi river, or use in any way the wharf or shore of said river as a ferry landing, without a license therefor, under a penalty of twenty dollars for each day such ferry may be kept without such license.

Penalty.

How license may  
be obtained.

SEC. 2. Whoever shall desire to keep a ferry within the limits of this city shall petition the council for a license therefor, setting forth in the petition the number and kind of boats intended to be employed, the length of time for which license is wanted, and the place where such ferry is designated to be kept.

Council may di-  
rect license to  
issue.

SEC. 3. The council may, by resolution, direct a license to issue, and prescribe the sum of money to be paid therefor for each six months.

Register to is-  
sue license,  
when.

SEC. 4. The city register shall, upon the passage of such resolution, and the applicant for license giving bond to the city in the sum of five hundred dollars, with sufficient securities,

conditioned for the faithful performance of all duties enjoined by any ordinance of this city, issue a license to the applicant for the period of six months, charging therefor the sum directed in such resolution.

Condition of bond

SEC. 5. If the license be granted by the council for a longer time than six months, the register may renew it at the end of each six months, during the time specified in the resolution, without the necessity of a new petition.

When license may be renewed without application.

SEC. 6. At any time when the council is not in session, the mayor may direct ferry licenses to be issued, to continue in force until the end of the next regular session of the council, upon the applicant giving bond as before required.

When mayor may direct license to issue.

SEC. 7. Every keeper of a ferry shall keep a good and sufficient boat or boats in good repair and well manned, and give ready and due attendance at all times between sunrise and dark; and for neglecting, failing, or refusing to give such attendance, or promptly to transport persons or property across the river, when the river can be passed, he shall forfeit and pay a sum not less than five nor more than twenty dollars: *Provided*, he shall not be obliged to transport any person or property before payment of the legal ferriage therefor shall have been made or tendered.

Ferry keeper to have sufficient boats.

Penalty for refusing to cross passenger or property.

SEC. 8. If any keeper of a ferry fail or neglect for three consecutive days, or for six several days within any period of six months, to perform the duties herein enjoined on him, except when prevented by the elements, or other uncontrollable cause, calculated to render ferry navigation dangerous or impracticable, his license may be revoked by the mayor or council; and, after such revocation notified to him, he shall not, for the purpose of transporting persons or property as a ferry, land any ferry-boat at or take it from the shore of the river within this city, under penalty of not less than twenty nor more than one hundred dollars.

License to be revoked for refusing to perform duties.

Penalty for using ferry after revocation of license.

SEC. 9. Any person injured or damaged by the failure, neglect, or refusal of any ferry-keeper to perform any of the duties enjoined by this ordinance, may sue upon his bond, given as hereinbefore required.

Parties damaged may sue on bond.

SEC. 10. It shall be the duty of the harbor-master to designate

Harbor-master -  
to designate fer-  
ry landing.

the places of landing of the different ferries, unless the same shall be fixed by ordinance.

Ferry-boats pre-  
vented from  
landing at usual  
place.

SEC. 11. If any ferry-boat, on account of the low stage of water in the river, or other natural causes, shall be at any time prevented from landing at the point designated as its landing-place, the harbor-master shall designate the nearest point thereto at which such boat can, without obstruction, land, as its landing-place for the time being; and such boat shall be landed at the place so designated until a landing can be effected unobstructedly at its regular landing-place.

Harbor - master  
to designate  
nearest place  
for landing.

Ferry-boats, how  
to run.

SEC. 12. Ferry-boats shall pursue the nearest practicable route or course across the Mississippi river, and shall not remain at the landing in this city longer than ten minutes, unless compelled to do so in order to discharge and take in passengers and cargo.

Rates of fer-  
riage.

SEC. 13. Ferriage, at any ferry established under this ordinance, shall not exceed the following rates, to-wit: For foot passengers, five cents, except drivers, and children under ten years of age crossing in charge of an adult, who shall cross free; for a man and horse, fifteen cents; for each horse not ridden or in a team, and for stock cattle, ten cents per head; for a one-horse vehicle, twenty-five cents; for a two-horse vehicle, thirty-five cents; for a three-horse vehicle, fifty cents; for a four or five horse vehicle, sixty-five cents; for a six-horse vehicle, seventy-five cents; for an eight-horse vehicle, eighty cents. For market wagons or carts, loaded with produce or manufactures of this State or of the State of Illinois, and returning empty within ten days after crossing—each one-horse vehicle, each way, fifteen cents; each two or three horse vehicle, each way, thirty cents; each four-horse vehicle, each way, thirty-five cents; each five or six horse vehicle, each way, forty cents; each eight-horse vehicle, each way, fifty cents. For each merchant's wagon and cart, loaded one way, and recrossing empty within ten days, and for pleasure carriages crossing and recrossing within ten days—each one-horse vehicle, each way, twenty-five cents; each two-horse vehicle, each way, thirty cents; each three-horse vehicle, each way, forty cents; each four or five horse vehicle, each way, fifty cents; each six-horse vehicle, each way, sixty cents; each eight-horse vehicle, each way, seventy cents. For coal wagons and carts, crossing loaded and returning empty, with two horses,

twenty-five cents; with three horses, thirty cents; with four horses, fifty cents; with more than four horses, whatever may be the number, sixty cents each way. For the following articles, not in a vehicle, the following rates: Each barrel or sack of salt, barrel of pork, beef, flour, cider, or fermented liquor, and for each hundred feet of lumber, and each hundred pounds of merchandise, five cents; each barrel of vinous or spirituous liquor, and each barrel or keg of gunpowder, ten cents. Each passenger to be charged separately, except when in a stage or pleasure carriage, or a mover's vehicle, but no extra charge to be made for the load of any vehicle; teams of oxen or mules to be charged the same as teams of horses.

SEC. 14. Upon every ferry-boat, licensed as aforesaid, there shall be posted up, in at least two conspicuous places, printed copies of the next preceding section; and any ferry-keeper failing to keep the same posted up shall forfeit and pay to the city a sum not exceeding twenty dollars for each day of such failure.

Printed cards of rates of ferriage to be posted.

Penalty for failure.

SEC. 15. Upon the Wiggins ferry company complying with the provisions of this ordinance, the city register shall issue to the said company a license for six months, to commence from the date of the expiration of their last license.

License to be issued to Wiggins' ferry company.

SEC. 16. Upon the expiration of every license granted to said company, the same may be renewed upon said company filing a new bond as required by ordinance.

License may be renewed.

SEC. 17. Said Wiggins ferry company shall pay the sum of two thousand dollars upon every license so granted.

Amount of license.

SEC. 18. Upon the payment of two hundred dollars, and complying with the provisions of this article, on the part of the Madison county ferry company, the register shall issue a license to said ferry company; and every license so issued shall be for the period of six months.

License to be issued to Madison county ferry company.

Approved, September 2, 1864.



( No. 5433. )

## HEALTH DEPARTMENT.

## AN ORDINANCE TO ESTABLISH AND REGULATE THE HEALTH DEPARTMENT.

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*Be it ordained by the Common Council of the City of St. Louis :*

#### ARTICLE 1.

##### *Board of Health.*

SECTION 1. There shall be constituted a Board of Health, to consist of five members, who shall be elected by the common council, and hold their office respectively for the term of one year, said members to be elected from the members of the common council. The health officer shall be, *ex officio*, a member of said board, but shall receive no additional compensation for his services as such member.

Board of health,  
how composed.

SEC. 2. The councilmen to serve as members of said board shall be elected by ballot at the first stated or called session of the common council of each year.

When elected.

SEC. 3. The board of health shall meet on the first Monday in each month, and at least once a week between the first day of May and November; and any member absenting himself from any meeting shall forfeit and pay to this city two dollars, unless

When to meet.

Penalty for ab-  
sence from  
meetings.

the same should be remitted by said board for good cause shown ; and any member absenting himself for a longer period than four weeks shall thereby vacate his seat.

**Quorum of board.** SEC. 4. A majority of the members of said board, exclusive of the health officer, shall constitute a quorum at any meeting of the board. At the first meeting of the board of health in each year, said board shall elect, by ballot, a president ; and, as soon thereafter as practicable, some fit and competent person, who shall be a regular graduated physician of some medical school in good standing, shall be chosen clerk thereof, [who shall]\* attend the meetings of said board, record its proceedings in suitable books, issue its orders, examine all applicants for admission into the hospital, and grant permits to such as are entitled to admission ; and do and perform all such other duties as may be required of him by said board.

**President to be elected.**

**Clerk to be elected.**

**Qualifications and duties of.**

**Description to be furnished of persons sent to hospital.** SEC. 5. The clerk of the board of health shall, whenever any sick person is sent to the city hospital or small-pox hospital, furnish to the keeper of each of the same the name in full of the diseased, the place of nativity, age, and place where taken sick ; and it shall be the duty of the physician of the city hospital and health officer to keep a full record of the name, date of death, name of disease, age, and place of nativity of all persons who shall die in the same ; and it shall be the duty of each of the above-named officers, and all other persons who shall send any dead bodies to the St. Louis cemetery for interment, to furnish the city with a ticket, giving, as far as practicable, the date of death, name of deceased, place of nativity, location where death occurred, name of disease, male or female.

**Description of persons dying to be recorded.**

**Description of persons interred to be given.**

**Powers and duties of board of health.** SEC. 6. Said board shall exercise a general supervision over the health of the city, with full power to take all steps and use all measures necessary to promote the cleanliness and salubrity thereof ; to abate nuisances of every description on public or private property ; to prevent the introduction into the city of malignant, contagious, or infectious diseases, and to remove or otherwise to dispose of any person attacked by any such disease, and to adopt, in reference to such persons, any regulations,

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\*The words "who shall keep an office in the city hall," in the original ordinance, are repealed by ordinance No. 5478, which went into effect December 24, 1864, in default of mayor's signature.

restrictions, or measures deemed advisable; and to establish rules and regulations for the government of the small-pox hospital, and to prevent the introduction or spreading of the small-pox within the city.

SEC. 7. The board of health may employ such other officers, agents, servants, or assistants, and establish temporary hospitals, and provide the necessary furniture, medicine, medical attendance, and nurses therefor, as\* in the opinion of said board the health of the city shall require.

Other assistants and officers may be appointed.

SEC. 8. It shall be the duty of every physician in the city to report to the health officer every case of small-pox or other contagious disease which he may be called on to attend within the limits of the city, or within ten miles of the same, within twelve hours after he shall have examined the patient, with the number of the house, name of occupant and street, under penalty, for failure to do so, of ten dollars.

Duty of physician to report cases of contagious diseases.

SEC. 9. Whenever it shall appear to said board that any person has been attacked by any contagious disease, said board shall cause such person to be removed immediately to the small-pox hospital, or some other retired place; but if such person refuse to be removed, or if his or her condition is such that in the opinion of the health officer removal would be attended with danger, said board should take such measures as may be deemed advisable to prevent the spread of the contagion or infection, and to cause the diseased person to receive proper and humane attention.

Party affected with contagious disease, to be removed.

Duty of board if removal is not possible.

SEC. 10. All persons having small-pox, or other contagious or infectious disease, in the city, who refuse to go, or cannot to [be] taken therefrom, to small-pox hospital, city hospital, or other house or place which may be designated by the board of health, are hereby required to be kept closely confined, within their respective dwellings or places of abode; and the board of health shall cause suitable notices, with the name or character of the disease printed or written in large letters thereon, to be posted up in the most conspicuous place on or near such dwelling or place of abode in which such contagious or infectious disease exists, and require of the occupants thereof to maintain such notices

Persons having contagious disease, not in hospital, to be kept confined.

Name of disease to be posted on dwelling.

\* The word "whenever," in the original ordinance, is changed to "as" by ordinance No. 5478, which went into effect December 24, 1864.



there until, in the opinion of the health officer, they may be safely discontinued; and any person failing to comply with the requirements of this section shall forfeit and pay a fine of not less than ten nor more than one hundred dollars.

Penalty for refusing.

Penalty for going abroad having small-pox.

SEC. 11. If any person shall leave his or her place of abode and be found going about the city after the small-pox or varioloid eruption has made its appearance upon him or her, shall forfeit and pay to the city not less than fifty nor more than five hundred dollars.

Vaccinating physician to be appointed.

SEC. 12. The board of health is authorized to appoint a physician for every two wards in the city, whose duty it shall be to vaccinate all persons in said wards unvaccinated.

Term of appointment.

SEC. 13. Each appointment so made shall be for the term of one year.

Vaccination fee.

SEC. 14. The fee for vaccination shall be twenty-five cents; and whenever satisfactory evidence shall be presented to the physician that the parties applying for the same are unable to pay said fee, the same shall be charged to and paid by the city.

Physician to report number of vaccinations.

SEC. 15. Each physician is hereby required to keep a record of all persons vaccinated by him; and a certified copy of the same shall be delivered to the board of health, at one of its stated meetings, in the months of July and January of each year.

Teachers to require proof of vaccination before admitting children.

SEC. 16. It is hereby made the duty of all teachers in public schools to require, as a condition for its admission, of each and every child, a certificate of its vaccination, signed by a physician, or other satisfactory evidence. In case of violation of this section, the party so offending shall be deemed guilty of a misdemeanor, and shall, upon conviction before the recorder, forfeit and pay a sum not less than five dollars, to be collected as other fines.

Penalty.

Penalty for disobeying board of health.

SEC. 17. All persons are required to obey the ordinances, precepts, regulations, and requirements of said board; and whoever shall fail, neglect, or refuse to do so, shall forfeit and pay to the city not less than five nor more than fifty dollars.

Account of expenses, how certified and paid.

SEC. 18. Said board shall examine all accounts for expenses incurred by its authority, and such as are approved shall be certified by the president, and attested by the clerk thereof; and, when so certified and attested, the city auditor shall audit the same and draw his warrant on the treasurer for the amount,

taking the receipt of the person in whose favor the warrant is drawn.

SEC. 19. Said board shall keep, in proper books, full and correct accounts of all expenses incurred by its authority, specifying the time when, the amount, the purpose to which applied, and the person through whom the same were incurred, and designating such items as are to be refunded by the owners or occupants of property; and shall, on the first day of each stated session of the council, report to that body a specific account of all such expenses incurred since the preceding report.

Record of expenses, what to contain.

To be reported to council.

SEC. 20. All expenses incurred by order of the said board of health in the abatement of nuisances on private property shall be a special tax on the property upon which said nuisance existed; and, so soon as the work or labor is performed, the contractor or person doing the work shall present his bill therefor to the said board, which shall be by them first examined, and, if found correct, shall so certify thereon, and immediately cause the same to be placed in the hands of the collector of the ward in which said work was done, who shall receipt for the same in duplicate, leaving one with the clerk of the said board, and delivering the other to the city auditor; and said collector shall immediately notify the owner of the said property that the account for abating the nuisance is in his hands for collection, and if the same is not paid within thirty days from the date of said notice, the same will be returned to the city auditor, and he will be charged fifteen per cent. on the same; and if, within the thirty days, the said bill is not paid to the collector, he shall return the same to the auditor, who shall add the fifteen per cent. thereto, and proceed to collect the same as provided by ordinance for the collection of other delinquent taxes; and when the same is collected, either by the auditor, collector, or comptroller, the same shall be paid into the city treasury, and placed to the appropriation of the board of health. If the said bill is not paid within thirty days, or before its return to the auditor, it shall then be paid by the city and charged to the appropriation for the board of health.

Cost of abating nuisances to form special lien against property; how collected.

SEC. 21. The sum or amount of any account so placed in the hands of the collector may be collected or distrained for, in all respects, as any general or special tax or taxes authorized to be

Board may order suit to be brought for such costs.

levied and collected by the city; but said board may, in their discretion, order suit to be brought thereon, instead of proceeding against the property.

Compensation  
of members of  
board

SEC. 22. Each elective member of said board shall receive, as full compensation for his services, two dollars for each day he shall attend the meetings thereof; but no councilman shall receive pay for attending a meeting of said board and a regular or stated meeting of the council on the same day; and no excuse for absence shall entitle a member to receive his per diem on any allowance when so absent from a meeting of the board.

Attendance to  
be certified by  
clerk.

SEC. 23. The clerk of said board shall keep a correct account of the days of attendance of each member thereof, and certify, every three months, the amount due each, after deducting unremitted fines for non-attendance; and the city auditor shall audit the accounts so certified, and draw his warrant on the treasurer therefor.

How paid.

Dispensary to be  
kept by clerk

SEC. 24. The board of health, in addition to the duties imposed upon them, are hereby authorized and required to make rules for the management and maintenance of a dispensary in the office of the board of health, for dispensing medical advice and medicine to such applicants therefor as are sick and indigent, and who, without such aid, would have to be admitted to the city hospital or quarantine; and the clerk of the board of health is hereby required, in addition to the duties as above set forth, to establish a dispensary in his office for the purpose aforesaid, under the rule and control of the board of health. He is also required to compound medicines, or have them compounded under his control, for all patients treated by him. He shall make a monthly return to the board of health of the number of patients treated by him during the month, the nature of their diseases, their sanitary condition at the time, and the amount which the medicine has cost. The bill for the purchase of medicines by him shall be audited by the board of health monthly, and a salary not to exceed the sum of four hundred dollars a year, payable monthly, and chargeable to appropriations for city hospital, shall be paid him for conducting the dispensary and compounding the medicines aforesaid, the amount whereof to be ascertained and settled by the board of health, who shall have power, by a majority vote entered on their proceedings, to graduate the

Who to receive  
medicine and ad-  
vice at.

Cost of medi-  
cines, how paid.

Compensation of  
clerk for dispen-  
sary business.

amount of said salary at all times, according to the quantity of dispensary business carried on, and the manner in which it is conducted by the clerk.

## ARTICLE II.

*Health Officer.*

SECTION 1. There shall be a health officer of this city, who shall hold his office for one year, commencing on the first day of January.

Health officer;  
term of office of.

SEC. 2. It shall be the duty of the health officer: *First*, to have and exercise a general supervision over the sanitary condition of the city, and to report to the board of health all nuisances, the prevalence of any epidemic, contagious or infectious disease, or other causes which, in his opinion, are likely to be detrimental to the general health; *second*, to keep on hand, at all times, a sufficient supply of genuine vaccine matter, and to see that all persons, so far as he may have it in his power, are properly vaccinated, especially those in the vicinity of any person attacked by small-pox; *third*, upon being informed of the existence or introduction of any contagious or infectious disease within the city, to inquire immediately into the facts and report the same to the board of health; *fourth*, to see that orders of the board of health, in relation to any person attacked by a contagious disease, are obeyed; *fifth*, to superintend the small-pox hospital, and administer to all persons conveyed there who have no other physician; *sixth*, to visit and administer medicine to prisoners sick in the city workhouse, the house of refuge, and in the calaboose; *seventh*, to attend the meetings of the board of health, and act as a member of said board; *eighth*, to examine, at the request of the mayor, or the president or clerk of the board of health, boats and vessels coming into port, the officers, crews, or passengers of which may be supposed to be affected by any contagious or infectious disease.

Duties of health  
officer.

## ARTICLE III.

*City Hospital.*

SECTION 1. The board of health shall have the general superintendence and management of the city hospital, and exercise a

Board of health  
to superintend  
hospital.



supervision and control over all the officers connected with or employed at the same, and shall meet at the hospital at least once a month, on such day and at such time as may be fixed on by said board. Said board shall examine all accounts against said hospital, and, if approved, [they] shall be certified to by their president, and transmitted to the auditor, who shall draw his warrant on the treasurer therefor. Said board shall prescribe the conditions of admission to said hospital; decide on the number of male and female assistants to be employed, and their compensation; and shall, in conjunction with the resident physician, make all necessary rules and regulations for the government and management of said hospital. It shall be the duty of said board to report to the common council, on the first day of March of each year, giving a particular account of the affairs of said institution for the preceding twelve months, together with such suggestions or recommendations as they may deem proper.

To report to  
common council.

Resident physi-  
cian to be ap-  
pointed; term  
of office of.

SEC. 2. A resident physician of the city hospital shall be appointed, who shall be a graduate of some medical school, to serve for one year from the first day of January of each year, and until his successor shall be duly appointed and qualified.

May appoint as-  
sistants.

SEC. 3. The resident physician may, with the consent of the board of health, appoint one, and not more than three assistants, to serve for one year, unless sooner removed by order of said board. One of said assistants shall be a German, or speak the German language fluently. Said assistants shall be graduates of some regular medical school, or students of regular medical practitioners in the city, and shall have attended at least two full courses of medical lectures in some reputable medical school. They shall be under the control of the resident physician, and shall perform such duties as he may require of them.

Qualifications  
of.

Duties of.

Apothecary to  
be appointed;  
duties and sal-  
ary of.

SEC. 4. The board of health is hereby authorized to employ some competent person to serve as apothecary, whose salary shall be regulated and whose duties shall [be] prescribed by said board, and who shall reside in the hospital.

Duties of physi-  
cian and assist-  
ants.

SEC. 5. The resident physician shall live in the hospital, and shall devote the whole of his time to the service of the hospital, and not pursue private practice so long as he shall hold his office; he shall visit all patients at least twice a day, and prepare, or cause to be prepared under his supervision, all medicines pre-

scribed by him, and generally exercise a proper control of the medical department of said hospital. The resident physician and his assistants shall receive boarding and washing at the hospital; and the resident physicians and board of health are alone authorized to discharge patients from the hospital.

To receive boarding and washing.

May discharge patients.

SEC. 6. The board of health, at their first meeting, or as soon thereafter as practicable, shall appoint six consulting physicians, to be selected from the regular medical practitioners residing in the city, whose duty it shall be, respectively, to meet the resident physician or quarantine physician at the hospital, when thereto required by [him], or either of them, by notice in writing, to be given in reasonable time, to consult with and assist him when he deems it necessary. Said consulting physicians, being duly notified of their appointment, shall file their acceptance of said office within ten days after such notice.

Consulting physicians; their appointment and duties.

SEC. 7. Students of medicine may, when accompanied by any professor of any of the medical colleges in this State, be admitted to the wards and lecture-rooms of the hospital, at such hours and days of the week as may be designated by the board of health; but no lecture shall be held in presence of the patients in said hospital.

Medical students may be admitted to hospital.

SEC. 8. Said board shall have power to suspend the exercise of the privilege herein granted to the medical schools for any violation of established rules, or for any failure to comply with the provisions of this ordinance.

Privilege may be suspended.

#### ARTICLE IV.

##### *Quarantine.*

SECTION 1. The grounds purchased by the city from Augustus Langkopf, by deed bearing date July seventh, eighteen hundred and fifty-four, are hereby established as a permanent quarantine station for the city of St. Louis; and there shall be established and kept up at said station a permanent hospital for the reception and accommodation of such sick persons, emigrants, or others, as may be placed therein.

Quarantine stations located.

Hospital located.

SEC. 2. On the first Monday in January of each year there shall be appointed by the board of health, with the approval of the mayor, a quarantine physician, for the term of one year,

Quarantine physician to be appointed.

and until his successor is duly appointed and qualified, who shall be a regular graduate of some medical school, shall reside at quarantine, where he shall receive board and washing, and perform all the duties required of him as quarantine physician and steward, etc.

Duties of quarantine physician.

SEC. 3. The physician shall be in attendance at all times at the station, to examine boats, to give permits, receive sick persons, or such emigrants or others as the quarantine regulations require to be landed, and to perform all services required of him by ordinance or the instructions of the board of health. When there are patients in the hospital requiring attention, the physician shall remain constantly at the station, and visit and prescribe for such patients as is required of the physician at the city hospital; and in all things the said physician shall be governed by the rules and regulations established and observed at the city hospital, so far as the same are applicable, or may be deemed necessary by the board of health.

Hospital, how conducted.

SEC. 4. The said hospital shall be conducted, as nearly as may be, in the same manner as the city hospital; shall be under the management and control of the board of health, who shall pass and certify to all accounts thereof, and the expenses shall be paid out of appropriations for hospitals.

Boats to land passengers at quarantine.

SEC. 5. All boats coming to or bound for the city of St. Louis from south of the town of Chester, in the State of Illinois, shall, before such boat or vessel can land at the wharf or discharge her cargo within the limits of the city, touch at the quarantine and land all emigrants or others recently from shipboard, and all sick, diseased, or unclean persons, with their stores and baggage: *Provided*, that the officers stationed at the quarantine shall so order, or it may be necessary, on account of cholera, ship-fever, small-pox, yellow-fever, or any communicable disease among the passengers or crews of such boat, for the same to be landed, to relieve the master or person in charge of such vessel from the penalty hereinafter provided against masters or owners of all boats or vessels who shall, knowingly, land or bring into the city limits any person or persons sick of cholera, ship-fever, small-pox, or any communicable disease of a fatal or dangerous character.

SEC. 6. Any steamboat, coming from New Orleans, or any

point below the city of Memphis, having on board on her arrival within the quarantine limits, or having on board at any time during her voyage, a greater number of deck or steerage passengers than twenty for each hundred tons registered of such steamboat, between the first of April and the first of November, or a greater number than thirty per hundred tons registered at any other season of the year, shall be detained at the quarantine station, for the purpose of cleansing and purification, not less than forty-eight hours nor more than twenty days, at the discretion of the quarantine officer and board of health: *Provided, however*, it shall be in the power of the quarantine officer to discriminate in favor of those boats which are constructed without cabins, or with only a few rooms on the upper deck, with a special view to the accommodation of a large number of steerage passengers; and, in such cases, if the room thus intended for deck passengers is not occupied with freight, but is reserved for their use exclusively, fifty per cent. more passengers may be allowed than is permitted to boats not thus constructed.

Boats with certain number of passengers to be detained at quarantine.

SEC. 7. The master of any boat landing a part of his deck passengers within the quarantine limits, or at any point below, to bring his number within the regulation, and thus getting his boat by the quarantine without detention, shall, on proof of the fact before the recorder, be fined in a sum not less than one hundred dollars nor more than five hundred dollars; and the boat may, on the order of the board of health, be forced to return to the quarantine station, and remain any length of time not exceeding twenty days. And when a boat coming from the Ohio river (or elsewhere), shall take passengers from a New Orleans boat, for the purpose of enabling such boat to pass the quarantine; or, where cholera, ship-fever, small-pox, or any contagious or communicable disease may prevail among the passengers so taken from a Southern boat, such Ohio river boat, or other boat bringing said passengers, shall be detained at the quarantine station any number of days not exceeding twenty, at the pleasure of the board of health, and the master shall be liable to a fine of not less than one hundred dollars nor more than five hundred dollars.

Penalties for endeavoring to avoid quarantine.

Certain boats may be detained at quarantine.

SEC. 8. The physician at the quarantine station shall have



Quarantine physician may administer oaths.

To notify mayor of evasions of quarantine.

When boats and passengers may leave quarantine.

Penalty for leaving quarantine without permit.

Penalty for landing sick persons in city in violation of quarantine.

power to administer oaths to the master, officers, crew, or passengers of any steamboat, touching any infringement of the quarantine regulations, or other matters connected with the duties of his office; and it shall be the duty of the quarantine physician to give immediate notice, to the mayor, of any master of a steamboat having disregarded the provisions of this ordinance.

SEC. 9. Whenever the physician in charge of the quarantine shall be satisfied that there is no cause for detention of any vessel touching at quarantine, or such vessel shall have landed all passengers coming under the provisions of this ordinance or any future regulation established by ordinance, and shall have been thoroughly cleansed to the satisfaction of the quarantine officer, such vessel shall receive a permit to enter the city. The said officer shall also give to persons in quarantine, when satisfied that themselves are free from disease, and their baggage and effects properly washed, cleansed, and purified, a certificate to that effect; and such certificate, when endorsed and approved by the mayor, shall authorize and permit such persons to depart from the quarantine. But the mayor, in case of the prevalence of the cholera or ship-fever in the city, shall have power to withhold his endorsement and approval of such certificate until, in his opinion, the health of the city will justify the admission of emigrants, and others peculiarly liable to said disease, into the same.

SEC. 10 Any person placed in quarantine who shall leave the same without a certificate approved and endorsed as in the last section required, shall be liable to a penalty of not less than five nor more than one hundred dollars, to be sued for and recovered before the recorder, as in other cases.

SEC. 11. The master or person in charge of any steamboat or other vessel, who shall knowingly bring into the city any person or persons diseased of cholera, small-pox, ship-fever, yellow-fever, or any communicable disorder endangering life, or who shall land any sick persons within ten miles of the limits of the city, except at the quarantine station, shall be liable to a penalty of not less than five hundred dollars for each and every offense, no matter from what quarter the said vessel may approach the city; and the master or person in charge of any steamboat or vessel coming from the south, who shall disregard the quarantine regulations, or disobey the orders of the quarantine officers, shall also

be liable to a like penalty for such disregard or disobedience, in addition to the liability under the first provision of this section; and it shall be the duty of the city marshal, whenever complaint is made before the recorder of a violation of any of the provisions of this ordinance, to arrest the offender forthwith, and bring him, without delay, before the recorder for trial.

Marshal to arrest offenders.

SEC. 12. The commander or person in charge of any steamboat or vessel approaching the city from the north, and having on board cases of cholera, ship-fever, small-pox, or any communicable disease, may avoid the penalty imposed in the last section by landing such boat or vessel on the western shore of Bloody Island previous to touching at the wharf, and giving immediate notice to the mayor or health officer of the city of the existence of such cases of cholera, ship-fever, small-pox, yellow-fever, or any communicable diseases on board said vessel; and remaining at said island until the diseased persons shall have been removed, if deemed necessary by the mayor or health officer, and the boat cleansed and purified, in such manner as either of said officers shall direct. But the mayor or health officer shall have power to send such boat and passengers into quarantine, at the station provided, if deemed expedient; and a refusal to comply with any or all orders and instructions of the mayor or health officer in the premises shall lay the person in charge of such vessel liable to the penalty imposed for infraction of this ordinance; and the mayor may proceed to take charge of said vessel, as provided in the following section.

Boats from north may avoid above penalty, how.

Penalty for violating orders of mayor or health officer.

SEC. 13. Whenever the mayor shall be informed and satisfied that any steamboat or vessel has left the quarantine station without a permit, or has failed to stop at the same, or that any vessel coming from the north, having on board cholera, ship-fever, small-pox, or any communicable disease of a fatal and dangerous character, has failed to land first on Bloody Island, and give notice thereof, and further failed to obey the instructions of the mayor or health officer in regard to said diseased persons, or the boat bringing the same, it shall be the duty of the mayor, if in his judgment the health of the city requires it, to proceed, at the head of the police of the city of St. Louis, to such boat or vessel, to take charge of her; and to cause the boat, together with the crew and all the passengers on board, to be

Mayor may take charge of boat violating quarantine.

Police force to aid him.

Boat may be removed to quarantine.

Expense of removing, how paid; penalty for aiding violation of quarantine.

Expenses of quarantine, how paid.

When section five shall be in effect.

Mayor to issue proclamation to other cities

Board of health to make certain regulations.

Penalty for violating same.

conveyed from the wharf to the quarantine station, there to remain until discharged by the proper authorities; and all expenses incurred in such removal shall be paid by such boat or vessel; and any person aiding or abetting the master or person in charge of said vessel, in the violation of the quarantine regulations, shall, on conviction thereof, forfeit and pay to the city of St. Louis a sum not less than fifty nor more than five hundred dollars.

SEC. 14. When practical, all expenses of removal of sick persons from boats to the hospitals, or expenses in cleansing or purifying, or furnishing medicines to those placed in quarantine, shall be defrayed by such persons themselves; in all other cases the expense shall be paid by the city, out of the contingent fund or funds appropriated for quarantine purposes.

SEC. 15. The fifth section of this article,\* which requires all emigrants, or other persons lately from shipboard, to be landed at the quarantine station, whether sick or otherwise, until their persons, baggage, and effects shall have undergone the required cleansing and purification, shall only be considered in force when and so long as the same shall be deemed necessary by the board of health, on account of the prevalence of cholera or ship-fever at New Orleans, or on board of emigrant vessels arriving at that port, or the prevalence of either of said diseases in the city of St. Louis; and it shall be the duty of the mayor to give notice, by proclamation, whenever the board of health shall consider it necessary to enforce said section; and to send said proclamation, containing the purport of the regulations established, to Cairo, Memphis, Vicksburg, Natchez, and New Orleans, that all persons interested may have due notice thereof.

SEC. 16. The board of health, and the officers in charge of the quarantine, shall have power to make such regulations for the proper conducting and management thereof as may be found necessary; and all persons in quarantine, and the officers and agents of the city employed in that service, shall observe the same: said officers and agents, under the penalty of summary dismissal by the mayor, when recommended by the board of health, for any neglect of duty; and persons in quarantine, under

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\*The word "ordinance," in the original ordinance, is changed to "article" by ordinance No. 5478, which went into effect December 24, 1864.

a penalty of not less than five nor more than one hundred dollars, on proof, before the recorder, of infringement of such regulations, when informed of the existence thereof.

SEC. 17. It shall be the duty of the quarantine physician to collect from every steamboat, or other vessel examined at the station, the sum of two dollars, before giving a certificate or permit to such vessel to enter the city; and one-half the sum so collected shall be paid over to the city treasurer, monthly: *Provided, however*, that regular packets, trading only to the mouth of the Ohio and intermediate ports, shall pay but one dollar.

Boats at quarantine to pay certain fees.

SEC. 18. The provisions of this article relating to the landing of boats at quarantine shall not be enforced except in case of epidemics, or when the mayor and board of health shall so direct.

When this article shall be in force.

## ARTICLE V.

### *Cemeteries.*

SECTION 1. A portion of those grounds purchased by the city of St. Louis from Augustus Langhkopf, by deed bearing date July seventh, eighteen hundred and fifty-four, now used for quarantine purposes, are hereby set apart as a place of public interment, to be known and designated by the name of the St. Louis City Cemetery.

City cemetery located.

SEC. 2. So much of said grounds, herein above designated, as may be necessary, shall be laid off into divisions by the board of health, in manner following: First, one portion for the interment of white persons; second, one portion for the interment of people of color.

Division to be made for people of color.

SEC. 3. The board of health may employ a sexton of said cemetery, when it becomes necessary, who shall reside on said grounds, and shall be bound to be at all times in readiness, by himself or some other person acting for him, to perform the duties pertaining to his office as sexton; and it shall be his duty: *First*, to keep and preserve the grounds, buildings, fences, and other property pertaining to said grounds, in repairs; *second*, to report to the board of health, from time to time, any repairs deemed necessary, and, when ordered, to superintend the same; *third*, to prevent trespass on said grounds, and to preserve, as

Sexton to be employed.

Duties of.



far as practicable, from being defaced, injured, or destroyed, any tombstone, monuments, vaults, inclosures, or other things erected within said cemetery; *fourth*, to keep the walks and avenues in said cemetery clear and free from brush, weeds, or other incumbrances; *fifth*, to keep a register, in an appropriate book, with an alphabetical index thereof, of all persons who may be buried in said cemetery, giving, as far as practicable, the name, age, color, sex, place of birth, place of residence, and disease, or manner of death; *sixth*, to deliver to the clerk of the board of health, on or before ten o'clock of every Saturday morning, all the certificates received since his previous report; *seventh*, to collect for all persons interred, who are not buried at the expense of the city, the charges of interment; *eighth*, to settle with the city register on the last Saturday in each month, and pay over to the city treasurer all moneys in his hands belonging to the city, and file the treasurer's receipt with the city auditor on or before ten o'clock of the Monday following; *ninth*, to dig, or cause to be dug, all graves in the said cemetery, attend to the interment of all persons therein, and fill up and preserve all graves therein (every grave shall be at least five feet six inches deep); *tenth*, to deliver to his successor in office the registry, all books, papers, and property, and the possession of the buildings and grounds herein designated (persons desiring to bury any dead in any division of the cemetery different from those set apart for the dead interred at the expense of the city, shall make application to the steward of quarantine for leave, and shall furnish him with a statement of the name, age, sex, place of birth, residence, and disease or cause of the death of the person to be interred); *eleventh*, to enter in his register the day when, and place where, death occurred, and where the body is interred in the cemetery grounds, and to number each grave.

Assistant sextons may be employed; how paid.

SEC. 4. The board of health may employ individuals to assist the sexton at any time when, in its opinion, the labor to be performed at said grounds is more than one person can perform; the compensation for each person so employed shall be such an amount as the board of health may approve.

Certain interments prohibited.

SEC. 5. Interments within so much of any cemetery in the city as shall be required for streets, or for the extension of any

street at present established, are hereby prohibited: *Provided*, however, that the provisions of this section shall not be so construed as to apply to the cemetery known as the Cemetery of the Holy Ghost.

SEC. 6. It is hereby made the duty of the city engineer, whenever applied to for the purpose by persons interested in or having charge or control of any of said cemeteries, to give such information as will enable them to know what portions thereof will be needed for streets, or the extension of streets, as mentioned in the first section hereof: *Provided*, the foregoing provisions shall not be construed as extending to any cemetery to which the State legislature may have granted reserved rights conflicting therewith.

Engineer to give information of ground needed for streets.

SEC. 7. No new cemetery shall be established at a less distance than two miles from the city.

No new cemetery to be established near city.

SEC. 8. Any person or persons violating any of the provisions of this article\* shall forfeit and pay to the city of St. Louis a fine of not less than twenty-five dollars, nor more than one hundred dollars, for each offense, to be recovered as other fines for breaches of city ordinances.

Penalty for violating this article.

## ARTICLE VI.

### *Bills of Mortality.*

SECTION 1. It shall be the duty of the clerk of the board of health to see that the act of the general assembly of the State of Missouri, [entitled] "An act concerning bills of mortality of the city of St. Louis and its suburbs," approved February twenty-fifth, eighteen hundred and forty-three, be carried into effect; and to cause suit to be brought against all overseers, sextons, or physicians, who fail to comply with the provisions of said act.

Clerk of board of health to enforce certain act.

SEC. 2. The clerk of the board of health shall furnish each overseer or sexton of any graveyard, within four miles of the city limits, with a blank book, with appropriate columns, to enter the facts required by said act, as well as the provisions of this ordinance, to be recorded; and with blank certificates, with appropriate columns, for the entry of said facts; and he shall enter, in

To furnish books and certificates to sextons.

\*The word "ordinance," in the original ordinance, is changed to "article" by ordinance No. 5478, which went into effect December 24, 1864.

To record and publish number of interments, etc.

a suitable book, all the certificates received from any overseer or sexton in conformity with said act; and shall publish the total weekly mortality as reported to him by the sextons of the several cemeteries within four miles of the city; stating the total number of white males, white females, free colored persons, and slaves, who died during the week previous to said publications; the total number under and above five years of age; the total number who died of cholera, small-pox, or ship-fever; and the total number who died at the City, St. Louis, or other hospitals.

Abstract of deaths, how made.

SEC. 3. In such abstracts the deaths shall be set forth under the following heads, namely: White males, white females, free colored, and slaves.

Sextons to furnish certain reports.

SEC. 4. The sextons of the several cemeteries shall deliver to the clerk, at his office, their weekly reports of interments, at or before the hour of two o'clock in the afternoon of Saturday of each and every week; and any sexton failing or refusing so to do shall forfeit and pay a fine of ten dollars for every such failure or refusal, to be recovered as other penalties for breaches of ordinances.

Physicians and sextons to record certain facts.

SEC. 5. It shall be the duty of the physicians, in their certificates of deaths to the sextons, and of the sextons in their books kept at the graveyards, and in the weekly reports they make to the clerk, to specify the length of time in which the deceased, if of foreign birth, resided in this country; also, the exact locality where the death occurred in the city.

Clerk of board of health to furnish certain blanks.

SEC. 6. The clerk of the board of health shall cause to be printed a sufficient number of blank certificates, containing in suitable columns the facts required above, which certificates he shall keep in his office, subject to the order of physicians.

Clerk to report delinquents.

SEC. 7. It shall be the duty of the clerk of the board of health to report to the city recorder all physicians, and sextons of cemeteries, who fail to comply with the requirements of this ordinance; and for the first failure the recorder shall impose a fine of not less than three dollars nor more than five dollars upon the delinquent; and for every subsequent failure the fine imposed shall not be less than five dollars nor more than twenty dollars.

Penalties.

## ARTICLE VII.

*Insane Persons and Paupers.*

SECTION 1. The conductor or person in charge of any railroad car or train of railroad cars, or the master or person in charge of any steamboat or other vessel, or the owner or driver of any wagon or other vehicle, who shall bring into the city of St. Louis a person or persons who are insane or paupers, who are likely to become a charge to the city, shall be liable to a fine of not less than twenty-five nor more than three hundred dollars for each and every offense; in addition to which penalty, the persons so offending shall be required to enter into bonds, before the recorder, of not less than five hundred dollars nor more than one thousand dollars, to defray the expenses of the insane or pauper thus brought, so long as they remain in the city, as also to pay the price of their conveyance back to the point whence they were taken.

Penalty for bringing insane persons or paupers to city.

To give security for certain costs.

SEC. 2. It shall be the duty of the health officer, and of the clerk of the board of health, and of the day and night guards, and all other police officers, to report to the city recorder any violation of this ordinance.

Certain parties to report violations.

SEC. 3. It shall be the duty of the city marshal, whenever complaint is made before the recorder of a violation of any of the provisions of this ordinance, to arrest the offender forthwith, and bring [him,] without delay, before the recorder, for trial

Marshal to bring offenders to trial.

SEC. 4. It shall be the duty of the city marshal, night guard, and day police, if any idiot, lunatic, or person of unsound mind, be found by them within the city of St. Louis, unprotected by a guardian or friend, then he or they shall give notice thereof, forthwith, to the mayor, register, or recorder, whose duty it shall be to inform the county court\* or, in vacation of said county court,\* the presiding justice thereof, in writing, that such idiot, lunatic, or insane person, is at large and unprovided for, in the city of St. Louis.

Certain officers to report to mayor, etc.

Presence of lunatic or pauper.

SEC. 5. If any such insane person, as cited in the foregoing first section, shall be furiously mad, or so far disordered in his

Persons furiously to be confined.

\* The word "commissioners," in the original ordinance, is changed by ordinance No. 5478, which went into effect December 24, 1864.



Expense of confinement, how paid.

mind as to endanger his own person, or the person or property of others, then he or she shall be confined in some suitable place, and a notice thereof in writing, as aforesaid, given; and a bill for all expenses necessary in providing for the persons herein mentioned shall be, with the proper vouchers, presented to the county court\* of St. Louis county, for payment.

## ARTICLE VIII.

### *Nuisances.*

Tenements to be supplied with privies.

How constructed.

Proceedings where tenement is not supplied with suitable privy.

No privy to be emptied at certain time.

Manner of emptying.

SECTION 1. Each and every tenement within this city, used as a dwelling house, shall be furnished with a suitable privy, the vault of which shall be sunk under ground at least ten feet deep, and walled up with brick or stone, and shall be so constructed that the inside of the same shall be at least two feet distant from the line of every adjoining lot (unless the owner of the adjoining lot shall otherwise agree), and also the same distance from every street, lane, or avenue.

SEC. 2. The mayor, upon being satisfied that any tenement so used is not provided with a suitable privy, shall give notice in writing to the owner thereof, or his agent, if either be an inhabitant of this city, or, if otherwise, public notice in the newspapers employed by the city, requiring such owner or agent, within a time to be designated by the city engineer, to cause a proper and sufficient privy to be constructed for such tenement; and in case of neglect or refusal to obey such notice, the city engineer shall cause such privy to be made for such tenement, and charged as a special tax upon such tenement and the ground attached thereto, to be levied and collected as other special taxes.

SEC. 3. No privy shall be emptied between the fifteenth day of June and the fifteenth day of September, unless, on inspection, the engineer or health officer shall be satisfied that the same is absolutely necessary for the health and comfort of the inhabitants; and, in such case, no more of the contents of said privy shall be taken away than shall be deemed absolutely necessary for present safety and relief; and with such precau-

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\* The word "commissioners," in the original ordinance, is changed by ordinance No. 5478, which went into effect December 24, 1864.

tions, relative to the preventing of any offensive effluvia, as the mayor may direct.

SEC. 4. The owner or occupant of any premises where tubs or other vessels are used in a privy, shall not permit the same to remain more than two days without being emptied.

Tubs to be emptied every two days.

SEC. 5. No privy shall be emptied at any other time than between the hours of twelve P. M. and four A. M.

Privies to be emptied at certain hours.

SEC. 6. All house offal, whether consisting of animal or vegetable substances, shall be deposited in convenient vessels, and kept in some convenient place, to be taken away by the city scavengers.

House offal, how to be kept.

SEC. 7. No person shall throw into any highway, thoroughfare, or other public place, any animal or vegetable substance whatever, or any straw, hay, ashes, soot, or any article or substance whatever.

No article to be thrown into highway.

SEC. 8. No person shall conduct into any highway, thoroughfare, or other public place, any filth or unclean water from his house, kitchen, or other tenement, or suffer any such water to escape from his premises upon any such place.

No filth to be conducted into highway.

SEC. 9. The owner or occupant of any livery or other stable within this city shall keep his stable and stable-yard clean, and shall not permit more than two cart-loads of manure to accumulate and remain in or near the same at any one time, between the first day of May and the first day of November; nor shall he wash or clean any carriage or horse, or cause it to be washed or cleaned, on any street, sidewalk, or other public place, nor suffer any water used in washing horses or carriages to flow over and spread on any sidewalk.

Stables, how to be kept.

No horse, etc., to be washed in street.

SEC. 10. No butcher, or other person, shall kill or slaughter any beeves, sheep, or other animals, within this city, unless the house, yard, pen, or place where such killing shall take place, be provided with a tight plank floor, or be paved with brick or stone; if paved with brick or stone, then the earth below it shall be sufficiently solid to prevent its becoming a receptacle of filth and offensive matter. The pavement, in every case, shall be made with a descent towards a gutter, which shall pass through the same, and leading to a tub or reservoir, which shall be placed to receive the blood and offal passing therein, which shall be emptied, at the end of each day when killing has been done on

Slaughter-houses, how to be conducted.

the premises, at such place as that no offensive effluvia shall arise therefrom.

To be white-washed.

SEC. 11. Every slaughter-house shall be whitewashed at least once in each month, between the first of April and the first of November.

Nauseous liquor not to be conducted into street.

SEC. 12. No distiller, soap-boiler, tallow-chandler, or dyer, in this city, shall, himself or by another, discharge out of or from any still-house or work-shop foul or nauseous liquor of any kind whatever, into or upon any adjacent ground, or into any street, alley, or other public place.

Putrid fat, etc., not to be kept in city.

SEC. 13. No soap-boiler or tallow-chandler shall keep, collect, or use, or cause to be kept, collected, or used, in the city, any stale, putrid, or stinking fat or grease, or other matter.

Hogs not to be kept in city.

SEC. 14. No distiller or other person shall collect or keep any hog or hogs in a pen, or otherwise confine any hog or hogs, in this city, so as to annoy or offend any person.

Filth, etc., not to be deposited on ground.

SEC. 15. No person shall deposit any dead animal, or excrement, or filth from privies, upon any ground in this city.

Green hides not to be kept in city.

SEC. 16. No person shall, in this city, place any green unsalted hides in any house, store, cellar, shed, yard, or any open or unopened place, for the purpose of storage, shipment, or otherwise, not to exceed six hours.

Street inspectors may remove nuisances.

SEC. 17. The street inspector, or such other officers or agents as may be designated or employed by the board of health for that purpose, are authorized to enter and examine all cellars and other places within the city; if they shall find any offensive substance, or stagnant or filthy water, to cause the same to be removed at the expense of the owner or occupier of the premises, unless such owner or occupier, upon notice, immediately cause the same to be removed.

Hogs at large, declared nuisances.

SEC. 18. That hogs running at large in the streets and other public places, within the old and new limits of the city, be, and are hereby, declared to be a nuisance.

Hogs at large to be taken up.

SEC. 19. No hogs of any description shall be permitted to run at large within the old and new limits of the city of St. Louis; and all hogs or pigs thus found shall be taken up by the city marshal and placed in some secure pen or pound, to be by him provided for that purpose.

SEC. 20. Whenever any hog or hogs, pig or pigs, are thus

taken up, it shall be lawful for the city marshal, and it is hereby made his duty, to sell the same at auction, to the highest bidder, for cash, after having given three days' notice, by advertising in the newspapers doing the city printing, of the time and place of such sale; and the place of such sale shall be in the rear of Center market, on Eighth street, and the time of such sale shall be during market hours, after seven o'clock A. M.; and the mode of such sale shall be by selling each animal separately; and the money arising therefrom shall, after the expenses of taking up and selling the same are deducted, be paid over to the owner or owners, on their proving, to the satisfaction of the city marshal, that the property of such hog or hogs, pig or pigs, is in them; but if no owner appear, the said money, after deducting the costs aforesaid, shall be paid into the city treasury.

Hogs taken up to be sold at auction.

Time, place, and manner of sale.

SEC. 21. It shall be the duty of the city marshal, at all times, to take up any and all hogs or pigs running at large within the above-described limits, and employ two or more persons to aid him in carrying into effect the provisions of this ordinance.

Marshal may employ assistants to take up hogs.

SEC. 22. All expenses for taking up and selling hogs or pigs shall not exceed two dollars per head.

Expenses of sale, maximum of.

SEC. 23. Hereafter it shall not be lawful for any person or persons to keep, in any inclosure or otherwise, any hogs within the limits of the city of St. Louis; and the owner or owners, consignee or agent, of any hogs so kept, shall forfeit and pay a sum not less than one dollar nor more than five dollars for each hog; which fine shall be collected as other fines, and paid into the city treasury.

Penalty for keeping hogs in city.

SEC. 24. Goats found running at large, in the streets or other public places of this city, are declared to be a public nuisance; and if any goat shall be found going at large as aforesaid, the owner shall forfeit and pay five dollars.

Goats at large declared nuisances.

## ARTICLE IX.

### *Carcasses of Dead Animals.*

SECTION 1. It shall be the duty of all street inspectors to report to the clerk of the board of health every carcass and the remains of any dead horse, mare, mule, ox, steer, cow, ass, hog, sheep, goat, dog, or other animal, which they may find, or of the

Carcasses to be reported to clerk of board of health.



To be entered  
into a book.

existence of which within the city limits they may be informed, as soon as may be, and within six hours after such fact shall come to their knowledge; and the clerk of the board of health shall enter such report in a book to be kept for that purpose, and designate therein the locality, as near as the same can be ascertained by him, where such carcass or remains were found; also, the hour when reported.

Book to be open;  
any person may  
report carcass.

SEC. 2. The aforesaid book shall at all times be open to the inspection of the public; and every person, other than the officers designated in the first section of this ordinance, may report the existence of any carcass, or the remains of any dead animals above enumerated, within the city limits, to the clerk of the board of health, or to any street inspector.

Certain parties  
to remove car-  
casses.

SEC. 3. It shall be the exclusive privilege and duty of Albert Feger and Gottlieb Futterknecht, for a period of ten years from the sixteenth of September, eighteen hundred and fifty-six, to remove out of the city all carcasses and remains of dead animals, enumerated in section first, within six hours after a report thereof shall be made in conformity with the first and second sections of this ordinance, and to appropriate them to their own use; taking care that the carcasses of said animals shall be conveyed away in the most inoffensive manner possible, causing them to be covered with a tarpaulin, or otherwise; and the drivers of the teams conveying away said carcasses shall not stop on the way, unless detained by some unforeseen accident, under a penalty of five dollars for each offense; which fine shall, upon the conviction of any drivers of said teams, be recovered according to city ordinances.

Time and man-  
ner of removing  
carcasses.

Bond to be giv-  
en by parties.

SEC. 4. The aforesaid Albert Feger and Gottlieb Futterknecht shall, before they shall be authorized to perform the duties and enjoy the privileges granted to them in the foregoing section, execute to the city a bond, with good and sufficient securities, in the sum of three thousand dollars, to be approved by the mayor and preserved in the register's office, conditioned for the faithful and punctual discharge of the duties imposed upon them by this ordinance; said bond to remain in force ten years from the said sixteenth of September, eighteen hundred and fifty-six: *Provided, however,* that if at any time before the expiration of said term of ten years the said Albert Feger and Gottlieb Futter-

knecht shall be prohibited by law or ordinance, or by the decision of any court of competent jurisdiction, from exercising the privilege herein granted, in such event said bond shall become void, and the said Albert Feger and Gottlieb Futterknecht shall be released from the obligations herein imposed upon them.

SEC. 5. Any street inspector who shall fail to fulfill the duties herein imposed upon such officers, and any person other than the aforesaid Albert Feger and Gottlieb Futterknecht who shall slay, remove, or in any manner interfere with the carcasses or remains of any dead horse, mule, ass, ox, steer, cow, sheep, hog, goat, or dog, found within the limits of this city, shall be adjudged guilty of a misdemeanor, and be fined a sum not exceeding one hundred dollars; but the provisions of this section shall not prevent the owner of any such dead animal from removing the same out of the limits of the city. The third, fourth, and fifth sections of the ninth article of this ordinance take effect, and are in force, for ten years from the sixteenth of September, eighteen hundred and fifty-six, unless repealed before the end of said term.

Penalties for violating this ordinance.

Owners may remove carcasses.

Limitations of this ordinance.

SEC. 6. Upon the failure of said Feger and Futterknecht to comply with the third section of the ninth article of this ordinance, or failing to remove any dead animal within the time specified, they shall be subject to a fine of ten dollars for the first offense, and for every subsequent offense twenty dollars.

Penalty against parties failing to remove carcasses.

SEC. 7. It shall be the duty of every owner of any dead animal of the kind enumerated in section first of this article, and found dead within the city limits, who may wish to convert the same to his own use, to do so within twelve hours after the death of such animal; and within the same time to remove or cause to be removed without the city limits, at his own expense, all or any remains of such animal as would be liable to become a nuisance; or, if any owner of any such dead animal do not wish to convert the same to his own use, then it shall be his duty, within the time hereinbefore prescribed, if known to him, to report the death of any animal to the clerk of the board of health, or to some street inspector.

Owner to remove carcass within certain time, or report.

SEC. 8. Any owner of any dead animal, failing to comply with the requirements of section seven of this article, shall be adjudged guilty of a misdemeanor, and be fined a sum not exceeding one hundred dollars nor less than ten dollars.

Penalty for violating section seventh.

## ARTICLE X.

*Cleaning Streets and the Removal of Slops.*

Board of health  
to provide for  
removal of slops.

Contracts, how  
let.

SECTION 1. The board of health is hereby authorized and required to provide, by rules entered on the record of their proceedings, [for] the removal of slops; all contracts for such removal shall be for one year from the date thereof, and shall contain clauses that one month's pay be always held in arrears until the termination of the contract; and that for neglect of duty of removal, the contract be annulled by order of the board of health, by a majority vote entered on their record, a copy thereof being served on the defaulting contractor. In case of the contract being annulled, the month's pay in arrears, and of the fraction of such period of time as may be then due, shall be forfeited by the contractor, and the city shall not be held liable therefor; such provision to be contained in the contract; all payments to be monthly on bills audited and allowed by the board of health; the rules of the board in relation thereto to be first approved by the mayor before they are in force and valid, and the contracts to be approved by the comptroller. Before delivering contracts to be let out, after advertising the letting of the same for five days in the papers doing the city printing, to the lowest and best bidder, care being had that good, reliable men to do the work alone are employed, which shall be a consideration in the selection of the best bidder, the board of health shall order and direct to what point slops shall be removed outside of the city limits.

Board of health  
to employ labor-  
ers to clean  
streets.

SEC. 2. The streets of the city shall be cleaned by laborers, to be employed by and under the control of the board of health, and the street inspectors shall act as overseers of the laborers in their respective districts. The wages to be paid to said laborers shall be such as may be fixed by the board of health. The work provided for in this section shall be paid out of the appropriations for cleaning streets.

How paid.

SEC. 3. All work done under the foregoing section shall be done in strict compliance with the direction of the respective street inspector, subject to the control of the mayor.

SEC. 4. To keep the paved or macadamized streets, public Manner of cleaning streets alleys, market-places, and other public places, clean, in the meaning of this ordinance, the street inspectors shall cause all market-places and streets adjoining them to be cleaned once every day during the months of May, June, July, August, September, and October (Sundays excepted), and all other streets and alleys twice a week; and during the months of November, December, January, February, March, and April, all market-places and streets adjoining them once every day (Sundays excepted), and all other streets and alleys once a week, and also remove the ice from the gutters.

## ARTICLE XI.

*Street Inspectors.*

SECTION 1. The city shall be divided into five districts, in such City to be divided into districts for the appointment of street inspectors. manner as shall be decided by the mayor and board of health, so as to equalize the duties of the street inspectors; and one street inspector shall be appointed within each district, who shall be a resident of the district in which he is appointed; and there shall be appointed by the mayor, by and with the advice and consent of the board of common council, suitable persons, one from each district in the city, to be styled street inspectors, who shall hold their office for one year and until their successors are duly appointed and qualified.

SEC. 2. The said street inspectors shall have resided at least Qualifications of street inspectors one year next preceding the time of their appointment in the district from which they shall be respectively appointed, and shall keep an office in the same district, to be designated by some conspicuous sign.

SEC. 3. It shall be the duty of the street inspectors to Duties of street inspectors. attend the meetings of the board of health, and, within their respective districts, to serve all precepts and notices issued by said board, signed by the president and attested by the clerk thereof; to execute all orders of said board directed to them; to attend to the abatement and removal of nuisances, and to perform such other duties in relation to nuisances as said board may direct; and, as often and in such manner as may be required of them, to examine the condition of all streets, lanes, avenues,



alleys, market-places, and public squares of the city, and report to said board all nuisances found therein; to notify persons upon whose premises, or premises occupied by them, any nuisance may exist, to remove the same; and, if it be not removed forthwith, to make report thereof in writing to the said board; to visit at least once a week, and oftener when required by said board, every part of their respective districts; to arrest, in the same manner that one of the day or night guard could do, any person found violating any city ordinance which relates to the sanitary regulations of the city; and to watch for and arrest persons throwing, or permitting to be thrown, from their premises, into the streets and alleys, any filth or other matter prohibited by ordinance; and in other respects to exercise the utmost diligence in enforcing the ordinances in regard to their special department.

Further duties  
of street in-  
spectors.

SEC. 4. The street inspectors shall keep a correct and full account, in suitable books, of all expenses incurred, with whom, and on what account, and whether payable by the city or by individuals; and a like account of all moneys expended, to whom paid, and on what account; and shall, at the end of every month, render to the board of health an account of all expenses that may have accrued under their authority; and, upon the board certifying the correctness of the same, the auditor shall audit the same and issue his warrant therefor, payable out of appropriation for health department.

Permits for re-  
moving nui-  
sances may be  
granted.

SEC. 5.\* Permits may be granted by the health officer, or any member of the board of health, for cleansing of privies or the removal of any nuisance: *Provided*, no privy shall be emptied except as provided by ordinance in relation to nuisances.

Street inspect-  
ors to enter and  
report slaughter  
houses.

SEC. 6. Each street inspector shall, at least once in every week, from the first of May to the first of November, enter and examine every slaughter house and yard within his district, and report to the recorder any violation of ordinance in relation thereto, and shall accompany such report with a list of names of the witnesses by whom the facts contained in such report are expected to be proved.

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\* A part of this section, in the original ordinance, is repealed by ordinance No. 5478, the same matter being contained in section ninth of the same article.

SEC. 7. The said street inspectors shall examine the state of streets within their districts, from time to time, and report to the city engineer such as need repairing; and generally follow such directions and observe such regulations as he shall establish touching the performance of the duty respectively required of them; and to superintend, within their respective districts, the cleaning of the streets, alleys, avenues, market-places, and public squares; to cause the same to be cleaned and kept clean; to remove or cause to be removed thence, immediately, all filth, dirt, rubbish, dead animals, and nuisances of every description; and further, to see that all kitchen-slops and decayed animal and vegetable matter are removed, without delay, from dwelling-houses, in such vehicles as are prescribed by ordinance for that purpose; and for the purpose aforesaid they are hereby authorized to employ, by and with the approval of the mayor, any number of hands and carts necessary, by the day, week, or month.

Further duties  
of street in-  
spectors.

SEC. 8. It shall be the duty of the said street inspectors, further:  
*First*—To act as officers of the board of health in the removal or abatement of nuisances, and in such other matters as the board may direct.

Further duties  
of street in-  
spectors.

*Second*—To notify persons on whose premises any nuisance may exist to remove the same; and, if it be not removed within twenty-four hours after such notice, to report the same to the recorder; and the party or parties so refusing to obey such notice shall, upon conviction before the recorder, be subject to pay a fine of not less than five nor more than five hundred dollars, to be recovered as in other cases of breach of city ordinances.\*

SEC. 9. The street inspectors are authorized to enter, in the day-time, and examine, all cellars, privies, out-houses, slaughter-houses, yards, inclosures, and tenements, within their respective districts; and whenever nuisances exist, or filth is suffered to accumulate, to direct the owner or occupant of the premises forthwith to remove the same; and if such removal be not made within twenty-four hours, the facts shall be reported to the recorder; and, upon conviction had before him, the party or parties so failing or refusing to obey such notice shall be subject to a pen-

Powers and du-  
ties of street in-  
spectors in re-  
gard to nuisan-  
ces.

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\*This section, in the original ordinance, contained two further subdivisions, which are repealed by ordinance No. 5478.

alty of not less than five dollars nor more than five hundred dollars, to be recovered as in other cases of fines for breach of city ordinances.

Nuisances to be  
abated at cost of  
owners.

SEC. 10.\* In all cases where notice shall have been given by the street inspector to parties to remove nuisances on their premises, and said parties shall have neglected to remove the same, or make a commencement so to do, in a manner satisfactory to said street inspector, within twenty-four hours after such notice is given, it shall be the duty of said street inspector to cause such nuisance to be removed, without delay, at the cost of the occupant of said premises.

Expense of re-  
moving nui-  
sance, how paid.

SEC. 11. The expense of removing any nuisance from any private property shall be paid in the first instance by the city, but shall be chargeable to and paid by the owner or occupant of the premises, and shall be placed in the hands of a collector for collection, as other taxes.

Penalty for de-  
positing refuse  
in streets.

SEC. 12. The street inspectors of the several districts where markets may be located shall report to the recorder all persons found depositing refuse vegetables, hay, or straw, on the streets of said markets; who shall, upon conviction, be fined not less than one dollar nor more than ten dollars, to be recovered as other penalties for misdemeanors.

Approved, September 5, 1864.

( No. 5416. )

## HOUSE OF REFUGE.

AN ORDINANCE IN RELATION TO THE ST. LOUIS HOUSE OF REFUGE.

|                                                                                                              |   |                                                                                                                    |               |
|--------------------------------------------------------------------------------------------------------------|---|--------------------------------------------------------------------------------------------------------------------|---------------|
| <i>Abandoned children</i> , may be committed to house of refuge.... $\frac{1}{2}$                            | 9 | <i>Board of managers</i> , their powers and duties..... $\frac{1}{2}$                                              | 2, 3, 4, 5, 6 |
| <i>Appropriations</i> for house of refuge to be made annually, to be under control of board of managers..... | 2 | to fix and approve bond of superintendent.....                                                                     | 5             |
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| <i>Board of managers</i> , to control house of refuge.....                                                   | 5 | <i>Clerk of police court</i> , to enter commitments in book.....                                                   | 9             |
|                                                                                                              | 1 |                                                                                                                    | 7             |

\*The tenth section, and also the last part of the eleventh (here tenth) section, of the original ordinance, are repealed by ordinance No. 5478.

|                                                                         |             |          |                                                                                             |                |          |
|-------------------------------------------------------------------------|-------------|----------|---------------------------------------------------------------------------------------------|----------------|----------|
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| <i>Councilmen, two, may commit to house of refuge.....</i>              | <i>9</i>    |          | <i>term of office of.....</i>                                                               |                | <i>5</i> |
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| <i>House of refuge and reform, established.....</i>                     | <i>1</i>    |          | <i>in favor of superintendent, not to exceed certain amount.....</i>                        | <i>6</i>       |          |
| <i>how controlled.....</i>                                              | <i>1</i>    |          | <i>Police, to enforce certain ordinance.....</i>                                            | <i>10</i>      |          |
| <i>location of.....</i>                                                 | <i>1</i>    |          | <i>Record of convicts, superintendent to keep.....</i>                                      | <i>8</i>       |          |
| <i>to constitute department.....</i>                                    | <i>2</i>    |          | <i>what to contain.....</i>                                                                 | <i>8</i>       |          |
| <i>who liable to confinement in.....</i>                                | <i>7, 9</i> |          | <i>Record of proceedings, board of managers to keep.....</i>                                | <i>4, 6</i>    |          |
| <i>how long convicts to remain in.....</i>                              | <i>9</i>    |          | <i>Recorder, may commit to house of refuge.....</i>                                         | <i>7</i>       |          |
| <i>Imates of house of refuge, board of managers may apprentice.....</i> | <i>3</i>    |          | <i>to reduce certain testimony to writing.....</i>                                          | <i>11</i>      |          |
| <i>how employed.....</i>                                                | <i>3</i>    |          | <i>Report of board of managers, what to contain.....</i>                                    | <i>4</i>       |          |
| <i>how discharged.....</i>                                              | <i>3</i>    |          | <i>of superintendent, what to contain.....</i>                                              | <i>5</i>       |          |
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| <i>Juvenile offenders, house of refuge established for.....</i>         | <i>1</i>    |          | <i>Salary, of matron, how fixed... of officers, how fixed.....</i>                          | <i>5</i>       |          |
| <i>Marshal (city), to deliver convicts to superintendent.....</i>       | <i>7</i>    |          | <i>of superintendent, how fixed... Settlement, superintendent to make.....</i>              | <i>5</i>       |          |
| <i>to return commitments to clerk of police court.....</i>              | <i>7</i>    |          | <i>Superintendent of house of refuge, how appointed.....</i>                                | <i>5</i>       |          |
| <i>Matron of house of refuge, board of managers to appoint.....</i>     | <i>5</i>    |          | <i>salary of, how fixed.....</i>                                                            | <i>5</i>       |          |
| <i>to fix salary of.....</i>                                            | <i>5</i>    |          | <i>term of office of, how fixed.....</i>                                                    | <i>5</i>       |          |
| <i>term of office of.....</i>                                           | <i>5</i>    |          | <i>his powers and duties.....</i>                                                           | <i>5, 7, 8</i> |          |
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| <i>Officers, board of managers to appoint.....</i>                      | <i>5</i>    |          |                                                                                             |                |          |

*Be it ordained by the Common Council of the City of St. Louis.*

SECTION 1. There is hereby established a house of refuge and reform for juvenile offenders, which shall be known by the name of the St. Louis House of Refuge, and which shall be under the control of a board of managers, as provided for and in conformity with an act of the general assembly of the State of Missouri, approved February 28, 1855; and the block of ground designated in said act is hereby set apart and appropriated for the location of said institution.

SEC. 2. Said house of refuge shall constitute one of the departments of the city government, and an annual appropriation shall be made for its support, which shall be based upon the estimates made by the board of managers; and said appropriation shall be specially reserved for the use of the said house of refuge.



Powers and duties of board of managers.

SEC. 3. The board of managers, provided for in the act of the general assembly referred to in the first section of this ordinance, shall have the control and management of the house of refuge and reform, together with the grounds attached. They shall make such rules and regulations for the government of the establishment as may be necessary and useful. They shall visit the house of refuge at least once in each month, and shall decide upon the manner in which the inmates shall be employed, and the place of employment, and see that all rules and the ordinances of the city concerning said house of refuge are observed. They shall have power to apprentice any person confined therein to some useful trade or occupation, to be chosen by said person, until the time when such person shall reach the age of twenty-one years, if a male, and eighteen years, if a female. They may at any time discharge any inmate of said house of refuge, if they shall deem such a discharge advisable.

Board to keep record and report to common council.

SEC. 4. The board of managers shall keep a record of their proceedings, and shall report, on the first Monday in May in each year, to the common council, the fiscal affairs, management, and condition of the house of refuge, and shall, at the same time, furnish an estimate of the amount of appropriations necessary for the support of the institution during the ensuing year.

Superintendent and matron to be appointed; to fix salaries of officers.

Superintendent, duties and powers of.

SEC. 5. The board of managers shall appoint suitable persons for superintendent and matron of the house of refuge, and such other officers as may be necessary, and shall fix their salaries and terms of office. The superintendent shall have the immediate control of the persons committed to the house of refuge, and the care and custody of all the property and grounds belonging to the establishment, and shall see that the rules and regulations adopted by the board of managers are strictly observed. He shall give bond, with sufficient security, to be approved by the board of managers, in such sum as the board may determine, conditioned for the faithful performance of his duties, and the accounting for all moneys that may come into his hands. He shall be subject, in all matters pertaining to his official conduct, to such rules and regulations as may be made by the board of managers. He shall make settlement with the board of managers at such times as the board may fix, and shall, at least once in each year, furnish the board with a detailed report of the expenditures of

the institution, the number of inmates, the number received, discharged, or apprenticed, with all other facts required by the board.

SEC. 6. All appropriations made by the common council for the support and maintenance of the house of refuge and reform shall be subject to the order of the board of managers, and may be drawn out of the treasury in such sums as the board deem necessary, upon the order of the acting chairman and secretary of the board; and the board of managers shall keep a record of their proceedings, in which they shall state the object for which all orders were drawn. Said board may draw orders from time to time in favor of the superintendent, for such sums as may be required for the daily purchases for said house of refuge and reform, such orders not to exceed the sum of one hundred dollars at any one time.

Appropriations to be under charge of managers.

SEC. 7. Every male person under the age of sixteen years, and every female under the age of fourteen years, who may be convicted by or before the recorder of the city of St. Louis of a violation of any city ordinance, or who shall, under existing laws of the State of Missouri, or such as may hereafter be enacted, be liable to confinement in the county jail of St. Louis county, or the penitentiary of the State of Missouri, may, at the discretion of the recorder, or the court rendering judgment, be dealt with according to the usual course of law in such cases, or may be convicted to be placed in the house of refuge and there detained until he or she shall have reached the age of twenty-one years, unless sooner discharged by the board of managers; and, in case of such conviction, it shall be the duty of the city marshal to deliver the offender to the superintendent of the house of refuge, together with a copy of the commitment; and said superintendent shall endorse thereon a receipt for such offender, with the date of his delivery, which shall be by said marshal returned to the clerk of the police\* court, who shall enter the same in a book to be kept for that purpose, and file the same among the records of his office.

Who may be committed to house of refuge.

How long to be detained.

Duties of marshal to deliver offenders to superintendent.

SEC. 8. The superintendent shall keep, in a well-bound book, a record of the names of all persons committed to the house of

Superintendent to keep record of prisoners.

\* The word "recorder's," in the original, is changed to "police" by ordinance No. 5473, approved December 19, 1864.

refuge, their age at the time of commitment, and the cause for which they were committed; and shall also, when any inmate of the house of refuge shall be discharged or may escape therefrom, or shall in any manner leave or be taken from the institution, enter the facts and the date opposite the name of the person in the book above mentioned.

Abandoned children may be committed.

SEC. 9. Every child found in the city of St. Louis in a state of want or abandonment, or grossly neglected or ill-treated by its parents or persons having its charge, or soliciting charity from door to door, or in any street or highway, or public place, and every child of every person in said city convicted of being a common prostitute, or keeper of a bawdy-house or house of resort for prostitutes, or of assignation; and every child found in such house may, on sufficient proof of any of such facts before the mayor or recorder of the city, or any two councilmen, be committed to the house of refuge in the same manner as provided in the seventh section of this ordinance.

Duty of police to enforce previous section.

SEC. 10. It is hereby made the special duty of the police of the city to enforce the provisions of the preceding section.

Testimony to be reduced to writing.

SEC. 11. In all cases of commitment to the house of refuge by the mayor, recorder, or any other city officer, the testimony against the person committed shall be reduced to writing and attached to the warrant of commitment; and such testimony shall be filed and preserved by the superintendent for the use and inspection of the board of managers.

Approved August 29, 1864.

(No. 5452.)

INSPECTION DEPARTMENT.

AN ORDINANCE ESTABLISHING AND REGULATING THE INSPECTION DEPARTMENT.

|                                                                        |                                                              |
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*Be it ordained by the Common Council of the City of St. Louis.*

ARTICLE I.

*Inspector of Beef and Pork.*

Inspection department established.

Inspectors to be appointed.

Inspector of beef and pork, duties of.

Compensation of inspector.

Regulations concerning barrels.

Classification of pork.

SECTION 1. A department of the city government is established, to be called the "Inspection Department," embracing the inspector of beef and pork, and the inspector of weights and measures; and the mayor shall nominate to the common council, for their advice and consent, on or before the third Monday in May in each year, one or more inspectors of beef and pork, and an inspector of weights and measures, subject to the compensation and duties hereinafter provided.

SEC. 2. It shall be the duty of the inspector of beef and pork to inspect, weigh, and determine the quality of beef and pork, in barrels or half-barrels, offered for sale in this city, when requested so to do, according to the grades hereinafter established; to brand the barrels inspected, and to deliver to the person causing the inspection to be made a certificate of the number of barrels and half-barrels inspected, and the quality thereof; and to register, in suitable books, all inspections made, with the date thereof, and the name of the person for whom made, and the number and quality of the barrels and half-barrels.

SEC. 3. The inspector shall be allowed a reasonable compensation, over and above his fees for inspection, for any salt, saltpetre, and cooperage which may be necessary to make any beef or pork inspected by him merchantable.

SEC. 4. All barrels containing salted beef or pork shall be made of good, seasoned white oak, free from any defect, and every barrel shall contain two hundred pounds of beef or pork; and a quarter-bound barrel shall be hooped with at least twelve substantial hoops, and a full-bound barrel with at least eighteen substantial hoops, and half-barrels shall be in proportion to the foregoing; each barrel shall be branded with the first letter of the christian name and the surname at full length of the inspector; and half-barrels shall be in proportion to the foregoing.

SEC. 5. All pork shall be carefully inspected, and the inspector shall not brand any but such as shall be well-fattened, which shall

be assorted and divided into seven different classes, to be denominated "extra clear pork," "clear pork," "mess pork," "mess ordinary (MO) pork," "prime mess pork," "prime pork," and "rump pork." Extra clear pork shall consist of sides of good corn-fatted hogs, cut into strips of from five to seven inches wide, the fat to be not less than three and one-half inches thick, the ribs and backbone taken out, the barrel to contain two hundred pounds net, and to be branded "[extra] clear pork;" selection same as mess. Extra clear pork. Clear pork shall consist of sides of good corn-fatted hogs, cut into strips of from five to seven inches wide, the fat to be not less than two and one-half inches thick, the ribs and backbone taken out, the barrel to contain two hundred pounds net, and to be branded "clear pork;" selection same as mess. Clear pork. Mess pork shall consist of sides of good corn-fatted hogs, cut into strips of from five to seven inches wide, the fat to be not less than two and one-half inches thick, ribs and backbone left in, no barrel to have more than five flank and five butt pieces; the barrel to be branded "mess pork," and to contain two hundred pounds net. Mess pork. Mess ordinary pork shall consist of sides of good corn-fatted hogs, cut into strips of from five to seven inches wide, to be made of lighter sides than used for mess pork, ribs and backbone left in; each barrel to contain two hundred pounds net, and to be branded "mess ordinary (or MO) pork." Mess ordinary pork. Prime mess pork shall consist of the sides and shoulders (hams are also allowed) of good corn-fatted hogs, weighing from one hundred and forty to one hundred and seventy-five pounds, cut into square pieces as near four pounds in weight as possible, the shanks to be cut off close up to the breast, each barrel to contain fifty pieces, twenty pieces of the shoulders and thirty pieces of sides cut; each barrel to contain two hundred pounds net, and to be branded "prime mess pork." Prime mess pork. Prime pork shall consist of three shoulders, three half-heads or joles, three rumps, and balance of the weight to be made up with side pieces such as would be suitable for mess or MO pork, the shoulders to be cut into two or three pieces, shank cut off above the knee, the heads to be divested of ears, snouts, and brains; each barrel to contain two hundred pounds net, and to be branded "prime pork." Prime pork. Rump pork shall consist of the rump pieces of good corn-fatted hogs, with all the fat left on except what may be taken off to square the Rump pork.

Regulations for  
inspecting pork.

edges, tails cut off; each barrel to contain two hundred pounds net, and to be branded "rump pork." There shall not be less than fifty pounds of coarse salt to each barrel of the above-mentioned qualities of pork, and each barrel shall be filled with good strong pickle. It shall be the duty of the inspectors of pork and beef to strip lard or tallow in packages, to ascertain the actual tare thereon when requested so to do; and shall furnish a certificate to the person for whom the packages are stripped, giving the actual gross tare and net of each package; for which the inspector shall be allowed a reasonable compensation.

Classification of  
beef.

SEC. 6. All beef shall be of well-fattened cattle, and shall be cut into pieces as square as may be, and shall not exceed twelve, nor less than four pounds in weight; and all beef, which shall be fat and merchantable, shall be assorted and divided into three different classes, to be denominated "mess," "prime," and "cargo." The first quality shall be denominated "mess beef,"

Mess beef.

and shall consist of the two pieces of the rump, two choice pieces of the round, a few pieces of the loin, and make up the remainder of the barrel with briskets, plates, navel pieces, and the front cut from the shoulder, with the belly part of the ribs taken off; and on one head of every barrel of such beef shall be branded "mess beef."

Prime beef.

The second quality shall be denominated "prime beef," and shall consist of two flanks, two shoulder clods, two shanks cut off above the knee joint, and half of the neck, with the point of the neck cut off; in each barrel the upper layer must be good side pieces, the remainder to be made up as near as possible of a great proportion of the shoulder, loin, and rump; and on one head of every barrel of such beef shall be branded "prime beef."

Cargo beef.

The third quality of beef shall be denominated "cargo beef," and shall be of fat cattle, with a proportion of good pieces, and not more than one-half of a neck, nor more than three flanks, with a proportion of shanks with the hocks cut off in the same manner as in prime; and the barrel ought to be otherwise merchantable, and branded "cargo beef."

Directions for  
inspecting beef.

And there shall not be less than sixty pounds of coarse salt, and a sufficiency of saltpetre, in each barrel, and to be filled with pickle as strong as salt can make it, with not less than two hundred pounds of beef in each barrel.

SEC. 7. Whoever shall intermix, take out, or shift any beef or

pork packed and branded as directed by this ordinance, or alter, change, or deface any brand or mark of the inspector, shall forfeit and pay not less than ten nor more than one hundred dollars.

Penalty for  
changing in-  
spected beef.

SEC. 8. The inspector shall be entitled to receive from the owner or owners, for storage on all beef or pork that shall be left with him for inspection after five days from and after the time the same shall have been inspected and branded, for each and every barrel or half-barrel six cents per month, and no more.

Fees of in-  
spector for  
storage.

SEC. 9. If, upon the inspection of any beef or pork, the same shall be found to be tainted, spoiled, or otherwise rendered useless, the same shall be branded "condemned," and shall be forthwith turned over to the owner or the agent.

What to be  
branded "con-  
demned."

## ARTICLE II.

### *Inspector of Weights and Measures.*

SECTION 1. It shall be the duty of the inspector of weights and measures, twice in every year, to examine and test the accuracy of all weights, measures, scales, or other things used by any person for weighing or measuring anything for sale; to stamp with a suitable seal, to be prescribed by the mayor, each weight, measure, and scale so used, which he may find conformed, or which may be made to conform, to the standard prescribed by the laws of the United States or this State, and to deliver to the owner thereof a certificate of their accuracy; to seize, in the name of the city, all false weights, measures, and scales which he may find, and which the owner shall fail immediately to have made conformable to said laws; to register the names of all persons whose weights, measures, or scales he may find to be accurate, and of all persons who fail to have the same corrected when not so found, and to report such persons to the recorder; to report every three months to the city register the names of the persons and the number of weights, measures, and scales examined and found by him to be accurate; and to examine and test, whenever requested by a weigher of hay and stone-coal, any of the public scales of this city.

Inspector of  
weights and  
measures; du-  
ties of.

SEC. 2. All weights, measures, scales, or other things used by any person for weighing or measuring any article for sale

What subject to  
inspection.



in this city, shall be subject to inspection, as hereinbefore provided, on and after the first Monday in June, and a subsequent inspection on and after the first Monday in December, of each year, without regard to date of any preceding certificate.

Penalty for failing to cause inspection.

SEC. 3. All persons using weights, measures, scales, or other things for weighing or measuring any article for sale in this city, shall cause the same to be examined, tested, and sealed as hereinbefore provided, under a penalty of not less than one nor more than ten dollars for failure so to do.

Dry measure, what.

SEC. 4. All substances, other than liquors, when sold by measure, shall be sold by dry measure, according to the standard established by law.

Penalty.

SEC. 5. Whoever shall violate the provisions of the foregoing section shall be fined not less than five nor more than one hundred dollars, on conviction before the recorder.

Evidence of use of measures.

SEC. 6. The proximity of all weights, measures, or scales, to goods, wares, or other articles exposed for sale, shall be evidence of their use; and the inspector shall arrest or cause to be arrested any person or persons using such weights, measures, or scales, not being in accordance with the city standard; and a fine of not less than five nor more than one hundred dollars shall be imposed for each and every offense.

Yard-sticks, what considered.

SEC. 7. The inspector of weights and measures shall consider all yard measures, or devices of any kind used for measuring goods, as yard-sticks, and exact a like fee therefor; and the inspector's certificate shall be given only on receipt of his fees.

Measures, what considered.

He may test and seal all weights, measures, and scales which may be used in such a manner that the accuracy of them may pecuniarily interest any other citizen than the owner.

Deputies may be appointed.

SEC. 8. The inspector of weights and measures may appoint one or more deputies, subject to the restrictions of the second and third sections of the third article of an ordinance entitled "An ordinance concerning officers, appointments, salaries, etc.," approved July 9, 1863.

### ARTICLE III.

#### *Standard Weight of Wheat and other Grains.*

Standard weight of grain, etc.

SECTION 1. That the following grains and other articles, when sold as merchantable in the city of St. Louis, and when sold by

the bushel, shall be considered as sold at the following number of pounds, avoirdupois, to the bushel, viz: Wheat, beans (except castor beans), clover seed, potatoes, sixty pounds to the bushel; rye, flax seed, fifty-six pounds to the bushel; barley, forty-eight pounds; bran, twenty pounds; onions, fifty-seven pounds; dried peaches, thirty-three pounds; dried apples, twenty-four pounds; buckwheat seed, fifty-two pounds; castor beans, forty-six pounds; hemp seed, forty-four pounds; blue-grass seed, fourteen pounds; timothy seed, forty-five pounds; salt, fifty pounds to the bushel. One bushel of charcoal shall be equal to five pecks.

SEC. 2. When no agreement exists to the contrary in relation to the above-named articles, the measure and weight as above specified shall be the city standard. Above to be standard, when.

SEC. 3. The standard weight of corn in the ear shall be seventy pounds; shelled corn, fifty-six pounds; and oats, thirty-five pounds, avoirdupois. All persons offering corn in the ear, or oats by the load, for sale, and shall refuse [to have] the same weighed by the city weigher, shall forfeit and pay to the city of St. Louis not less than one nor more than twenty dollars for each and every such offense, the fine to be collected before the recorder, in the same manner as other fines are collected: *Provided, however*, that the penalty herein provided shall not apply to persons selling ten bushels of corn or oats, or less, out of a load without weighing the same. Standard weight of corn. Penalty.

#### ARTICLE IV.

##### *Fees of Inspectors, and General Provisions.*

SECTION 1. The inspector of beef and pork shall receive for each barrel inspected and branded by him twenty-five cents, and for each half-barrel fifteen cents. Fees of inspector of pork and beef.

SEC. 2. The inspector of weights and measures shall be entitled to receive for examining, testing, sealing, and certifying, as herein required, as follows: Any steelyard, beam, ground-floor or platform, counter, or other scales, by which may be weighed not exceeding six hundred pounds, twenty-five cents; any such instrument by which may be weighed over six hundred pounds and less than twelve hundred pounds, fifty cents; any such instrument by which may be weighed over twelve hundred pounds, Fees of inspector of weights and measures.

seventy-five cents; any yard-stick, dry or liquid measure, ten cents; any nest or set of measures, twenty cents.

Weight, part of scale.

SEC. 3. The weight attached to any scale shall, as to the compensation of the inspector of weights and measures, be considered a part of the scale.

Fees for subsequent inspection.

SEC. 4. The inspector of weights and measures shall, for a second or subsequent inspection of weights or scales, be entitled to charge and receive the same fees as for a first inspection specified in this ordinance, and may retain the article so inspected in his possession until the fee for inspection be paid; and he shall, in every case where he may employ labor or material in making the same accurate, be entitled to just compensation therefor, and to retain the article upon which such labor or material has been employed until such compensation be paid.

Fees for testing scales.

SEC. 5. The inspector shall be entitled to charge, for inspecting and testing the several scales of the city for the weighing of hay and stone-coal, two dollars for each inspection, and for each platform scale in the use of the city, two dollars per year; and the auditor shall audit such account, charging the same to appropriation for market and market-houses.

Report to be made.

SEC. 6. The inspector of beef and pork shall report, under oath, on the last Saturday of each month, to the city register, and to the city council at the opening of each stated session thereof, an abstract of the registers hereinbefore required to be kept by him, respectively, and of inspections made for the previous month, or six months, as the case may be.

Penalty for altering inspection brand.

SEC. 7. Whoever, after any barrel, or half-barrel, shall have been inspected and marked as hereinbefore required, and before sale thereof for immediate consumption by the buyer, shall alter or deface the mark or brand placed thereon, under the provisions herein contained; or shall, in any manner, diminish or change the contents of any such vessel; or shall sell or offer for sale any such vessel, knowing that the mark or brand thereof has been so altered or defaced, or the contents thereof so diminished or changed; or shall in any manner impose or attempt any fraud or deception upon any of said officers in relation to the articles which they are authorized to inspect, shall forfeit and pay not less than ten nor more than one hundred dollars.

SEC. 8. Any person dissatisfied with the decision of any two

of the inspectors first named herein may appeal to the mayor, and thereupon three experienced, disinterested persons shall be selected as reviewers, one by the appellant, one by the inspector, and one by the mayor; who, being first sworn faithfully and impartially to examine and determine the matter in controversy, shall, at a time designated by the mayor, meet and decide the appeal, taking the provisions of this ordinance as the rule of their decision; and shall direct what mark or brand shall be put upon each barrel or cask, and the inspector shall brand them accordingly.

SEC. 9. If the decision of the reviewers be in favor of the inspector the appellant shall pay all costs of the appeal; otherwise, the inspector shall pay the costs, for which costs execution shall be issued by the mayor.

Decision of inspector may be appealed from.  
Costs of appeal, who to pay.

SEC. 10. The costs which may be collected on any such appeal shall be the marshal's fee for summoning the reviewers, as in case of the service of a summons issued by the recorder; the fee for the affidavit of the reviewers; and, if demanded, five cents to each of the reviewers, for each barrel, half-barrel, or other cask examined by them.

What to constitute costs.

SEC. 11. The said two inspectors first named herein shall not, nor shall any of their deputies, be engaged in any way, directly or indirectly, in the buying and selling of any of the articles which they are authorized to inspect.

Inspectors not to deal in certain articles.

Approved, September 9, 1864.

(No. 5437.)

AN ORDINANCE PROVIDING FOR THE INSPECTION AND WEIGHING OF BALED HAY.

|                                                                         |               |                                                           |               |   |
|-------------------------------------------------------------------------|---------------|-----------------------------------------------------------|---------------|---|
| <i>Abstract of certificates of inspection, inspector to register...</i> | $\frac{1}{2}$ | <i>Classification of baled hay.....</i>                   | $\frac{1}{2}$ | 3 |
| to be open to public.....                                               | 5             | <i>Compensation of inspectors of hay .....</i>            |               | 5 |
| <i>Baled hay, offered for sale, to be inspected.....</i>                | 3             | <i>Condemned hay, what to comprise.....</i>               |               | 3 |
| offering for sale without inspection, penalty.....                      | 4             | to be sold by inspectors.....                             |               | 6 |
| classification of.....                                                  | 3             | proceeds of sale of, how disposed of.....                 |               | 6 |
| <i>Bond of inspectors of hay .....</i>                                  | 1             | <i>Fees of inspectors of hay.....</i>                     |               | 5 |
| <i>Brands of inspectors, changing or altering, penalty.....</i>         | 7             | <i>Hay, baled, offered for sale, to be inspected.....</i> |               | 3 |
| <i>Certificates of inspection, inspectors to give.....</i>              | 5             | baled, classification of.....                             |               | 3 |
| <i>Changing marks or brands of inspectors, penalty.....</i>             | 7             | baled, offering for sale without inspection.....          |               | 4 |
|                                                                         |               | condemned, what to comprise                               |               | 3 |



|                                                       |   |   |                                                                  |   |   |
|-------------------------------------------------------|---|---|------------------------------------------------------------------|---|---|
| <i>Hay</i> , condemned, to be sold by inspectors..... | 2 | 6 | <i>Informers</i> , to receive one-half certain fines.....        | 2 | 4 |
| condemned, proceeds of sale of, how disposed of.....  | 6 |   | <i>Marks</i> of inspectors, changing, penalty .....              |   | 7 |
| <i>Hoops</i> , inspector to deduct weight of.....     | 3 |   | <i>Mayor</i> , to appoint inspectors of hay.....                 | 1 | 7 |
| <i>Inspectors of hay</i> , mayor to appoint .....     | 1 |   | <i>Penalties</i> for certain offenses.....                       | 4 |   |
| to file bond .....                                    | 1 |   | <i>Staves</i> , hay bound in, inspector to deduct weight of..... |   | 3 |
| term of office of.....                                | 2 |   | <i>Weight</i> of hoops or staves, inspectors to deduct.....      |   | 3 |
| duties and powers of.....                             | 3 | 5 |                                                                  |   |   |
| compensation of.....                                  | 5 |   |                                                                  |   |   |
| altering brands of, penalty....                       | 7 |   |                                                                  |   |   |

*Be it ordained by the Common Council of the City of St. Louis.*

Inspectors of hay to be appointed.

SECTION 1. The mayor shall appoint one or more, not to exceed three, suitable persons to act as inspector or inspectors of hay in the city of St. Louis; and shall, without delay, after such appointment, submit, for the approval of the common council, the name or names of persons so appointed. Should the council approve such nomination, the mayor shall cause a commission to issue to such person or persons, as in case of the city officers appointed and commissioned by him, on the said party or parties filing with the city register a bond, to be approved as in cases of other city officers, in the sum of five thousand dollars, conditioned for the faithful performance of his or their duties as such inspector, and as indemnity for all losses sustained through the malfeasance or negligence of such officer.

Inspector to give bond.

Term of office of inspector.

SEC. 2. Such officer, so appointed and approved, shall hold his office until the first Monday in June, eighteen hundred and sixty-five; and thereafter shall be appointed for one year from the first Monday in June in each year, and until his successor is duly appointed and qualified.

Duties of inspector.

SEC. 3. It shall be the duty of such officer to carefully weigh and inspect all hay which shall be sold or offered for sale, in bales, in the city, or that shall be brought into the city for sale or delivery under any contract or sale elsewhere; and for the purpose of such inspection he shall use such instrument as he shall deem most practicable for a thorough inspection thereof; and shall classify the same and mark it accordingly, with the weight of each bale, as follows: Number one, prime; number two, good; number three, damaged; cipher (0), condemned. The last class, condemned, shall comprise such as the inspectors

Classification of hay.

on inspection, shall be satisfied was baled with a view (by the party baling or causing it to be baled) of defrauding purchasers by the incorporation of foreign substances in such bales to increase the weight thereof. It shall further be the duty of such inspector, in all bales of hay coming under his supervision, and bound with wooden hoops or staves, to carefully estimate the weight thereof and deduct the same from the weight of such bales, marking every such bale with its *net* weight.

SEC. 4. Every person who shall sell or offer for sale in this city any baled hay, without the same being inspected, weighed, and marked, as hereinbefore required, shall be deemed guilty of misdemeanor; and shall, upon conviction thereof before the recorder, be fined not less than fifty nor more than five hundred dollars for each offense, one-half of the fine so collected to be paid to the informer, and the other half into the city treasury.

SEC. 5. The inspector of hay shall keep an office at some eligible locality, and shall deliver certificates of weights and quality of all hay so inspected by him to the party or parties having the same weighed and inspected, and shall keep a correct abstract of every certificate in a book to be kept in his office, which said book shall be open at all reasonable times to the inspection of any person interested in any inspection by him made; and for his services as such inspector and for weighing he shall be entitled to demand and receive eighty cents per ton for each ton weighed and inspected as by this ordinance required, said fee to be paid by the party for whom such inspection is made, and to be in full compensation for his services as such inspector.

SEC. 6. All hay condemned, as by section third of this ordinance, shall, after reasonable notice given, be sold by the inspector; and the proceeds thereof, after deducting expenses of sale and ten per cent. as his commission for selling same, shall be paid into the city treasury.

SEC. 7. Any person changing the marks or brands of the inspector of hay, either as to weight or quality, shall, upon conviction thereof, be subject to a penalty of not less than twenty dollars nor more than one hundred dollars, to be collected as in other cases of breaches of city ordinances.

Conflicting or-  
dinances re-  
pealed

SEC. 8. All ordinances or parts of ordinances conflicting herewith are hereby repealed.

This ordinance, having been returned by the mayor, with his objections thereto, and, after reconsideration, having passed the common council by a vote of two-thirds of all the members elected to the council, as provided and required by the city charter, has become a law this fifth day of September, A. D. eighteen hundred and sixty-four.

(No. 5393.)

## LAND COMMISSIONER.

### AN ORDINANCE ESTABLISHING THE OFFICE OF LAND COMMISSIONER AND REGULATING THE PROCEEDINGS THEREOF.

|                                                                                                   |  |
|---------------------------------------------------------------------------------------------------|--|
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*Be it ordained by the Common Council of the City of St. Louis.*

# ARTICLE I.

## *Land Commissioner.*

Land commis-  
sioner to be ap-  
pointed; salary  
of; term of of-  
fice of.

SECTION 1. There shall be appointed, in the same manner as other city officers, a land commissioner, whose salary shall be fifteen hundred dollars per annum, and who shall hold his office for three years and until his successor is duly appointed and qualified, unless sooner removed for good cause.

General duties  
of land commis-  
sioner.

SEC. 2. He shall ascertain the nature of titles and localities and condition of all landed property owned or rightfully claimed by the city, either in her own right or in trust for others; and shall, jointly with the city counselor, prosecute and defend, in behalf of the city, all suits, and conduct other legal proceedings involving the rights of the city in and to any landed property. He shall cause to be made out, and preserve, copies, duly authenticated, of all deeds, conveyances, title papers, and contracts, concerning the ownership of such property; also, maps and plats of the same. He shall, on the first day of each stated session of the council, or at other times if required, report to them the condition of the city's interests hereby committed to his charge; and recommend, at any time, such action on the part of the council as the public interest in his charge may, in his opinion, require. He shall also perform the duties imposed upon the land commissioner by an act of the general assembly of the State of Missouri, entitled "An act supplementary to the several acts incorporating the city of St. Louis, approved January sixteenth, eighteen hundred and sixty."

To furnish infor-  
mation to comp-  
troller.

SEC. 3. He shall at all times furnish verbal information or written reports, as required by the comptroller, relating to any matters embraced in the duties of his office, to the comptroller.

# ARTICLE II.

## *Opening Streets.*

Engineer to  
make surveys  
and plats, when.

SECTION 1. Whenever the common council, by ordinance, shall order the opening, widening, or altering of any street, avenue, alley, wharf, or public square, established by ordinance, and it is necessary to take private property for the same, the

city engineer shall, under the direction and supervision of the land commissioner, survey and make a plat of the property to be taken, showing the metes and the names of the owners thereof, and also of all the property next adjoining the ground proposed to be taken, with the metes and the names of the owners thereof; and the city engineer and assessor shall also furnish the land commissioner with such other plats as he shall require.

SEC. 2. Upon the completion of the plat showing the property necessary to be taken, as aforesaid, for the proposed improvement, the land commissioner shall, after giving six days' notice in the newspapers doing city printing, forthwith proceed to cause the said property to be condemned, according to the provisions of an act of the general assembly of the State of Missouri, entitled "An act supplementary to the several acts incorporating the city of St. Louis," approved January sixteenth, eighteen hundred and sixty; and, in so doing, all notices, subpoenas, venires, attachments, and all processes on behalf of the city or other parties interested in the proceedings, shall be issued by the land commissioner and signed by him, and attested by the city register, under the seal of the city, and shall be served and returned by the city marshal to the land commissioner, according to law.

Assessor and engineer to furnish plats.

Process, how issued and served.

SEC. 3. In all cases where the city marshal may make return that all the defendants named in the original notice issued in any procedure about to be begun for the opening, widening, or altering of any alley, street, avenue, wharf, or public square, as aforesaid, are found and served with such notice, the land commissioner shall give further notice, by publication for ten days in two daily newspapers printed in the city of St. Louis, to all other parties interested, whether in damages or benefits, that such proceedings are about to be had, and that all such interested parties may appear and attend to their interests on the day and at the place appointed by the land commissioner.

Proceedings to condemn land for streets, etc.

Notice to parties interested, how served.

SEC. 4. The jury shall be sworn by the land commissioner faithfully and impartially to discharge the duties imposed upon them by the seventh section of the act of the general assembly of the State of Missouri, entitled "An act supplementary to the several acts incorporating the city of St. Louis," approved January sixteenth, eighteen hundred and sixty.

Oath to be taken by jury.

Impanneling of jury; to hear evidence.

SEC. 5. The jury shall be impaneled in the hall of the common council, where the evidence shall be heard on either side; and, after hearing all the evidence, and examining the ground to be taken, owned by the parties to be charged with damages, or compensation to be assessed, they shall return their verdict to the land commissioner.

To return verdict.

Land commissioner to render judgment, when.

SEC. 6. Immediately after the council shall have confirmed the verdict of the jury, and made an appropriation of the sum, if any, awarded to be paid by the city by the verdict of the jury, it shall be the duty of the land commissioner to render judgments in favor of the city of St. Louis against the several parties, and against the property charged by the verdict of the jury, for the payment of the damages assessed; and the land commissioner shall also immediately make out a certified abstract or list of said judgments, showing the persons, property, and amount, and the *pro rata* cost up to the rendering of the verdict of each judgment, and shall furnish the same to the city comptroller, who shall advertise said list for ten days in one or more newspapers published in the city of St. Louis, notifying all persons against whom and against whose property assessments are made that they may pay and satisfy the same before execution shall issue at the comptroller's office, and pay the same to the comptroller at any time within thirty days after said notice is inserted [and the comptroller shall also cause written notice to the same effect to be sent to all parties whose property is assessed, or against whom judgment may have been rendered, to be served personally on such parties, or the agents and tenants of such property; and if personal service can not be made on such parties, or their agents or tenants, said notice shall be placed in the post-office of the city of St. Louis, addressed to such parties];\* and the comptroller shall receive from such parties as desire to pay the same all assessments levied against them and against their property, and pay the same into the city treasury; and at the expiration of the thirty days the comptroller shall return said list to the land commissioner, with his marginal remarks thereon, showing what judgments have been paid and what remain

To furnish abstract to comptroller.

Comptroller to advertise.

To send written notice.

Assessments to be paid to comptroller.

Lists to be returned to land commissioner.

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\*That part of section six of this article which is inclosed in brackets is added to the original ordinance by ordinance No. 5516, approved March 7, 1865.

unpaid; and the land commissioner shall then immediately issue executions on all judgments remaining unpaid, with the *pro rata* cost for advertising and collecting the same added thereto, directed to the city marshal, whose duty it shall be to collect the same from the owner or owners of the property charged in the execution; and the land commissioner shall file the said abstract or list returned to him by the comptroller in his office.

Land commissioner to issue executions.

Marshal to collect executions.

SEC. 7. Whenever judgment shall be rendered by the land commissioner for the condemnation of private property for public use, the comptroller is authorized to receive from the owner of property against which benefits or damages have been assessed the excess of the benefits over and above the damages, and judgment shall thereupon be canceled. All executions for benefits shall be credited with the amount of damages which may be awarded in favor of the party against whom the execution shall be issued.

Excess of benefits over damages may be paid to comptroller.

Executions to be credited with benefits.

SEC. 8. The execution to be issued in each case shall be a special *fieri facias*, and shall be in conformity with the judgment, and shall be returnable to the land commissioner within forty days; and it shall be the duty of the marshal, unless otherwise directed by the land commissioner, to advertise and sell the property charged in the execution in the manner prescribed for the sale of real estate under execution by an act of the general assembly of the State of Missouri, entitled "An act to regulate executions," approved December first, eighteen hundred and fifty-five.

Executions, nature of and how served.

SEC. 9. In every sale under execution it shall be the duty of the marshal to make a deed to the purchaser, which deed shall be acknowledged before the mayor, and attested by the city register, under the seal of the city, and shall recite the execution, time and place of sale, the name of the purchaser, and the amount of the bid; which deed shall vest in the purchaser such title to the property named in the execution as can be conveyed under the proceedings had.

Duty of marshal on selling under executions.

SEC. 10. The city marshal shall, unless the property described in the execution brings the amount of the execution and costs, strike the same off to the city of St. Louis as purchaser thereof, and shall make a deed therefor to the city of St. Louis, in the same manner as to any other purchaser.

Property to be struck off to city, unless amount of, with costs, be bid.



Duties of land commissioner to keep record.

SEC. 11. It shall be the duty of the land commissioner to keep a full and complete record of all the proceedings had, in the matter of condemning private property for public use, under the provisions of this ordinance; and he shall, immediately after the passage of the ordinance confirming the verdict of the jury, file for record, in the recorder's office of St. Louis county, the verdict of the jury in each case in the condemnation of private property, with the plat of the same thereto annexed, with the certificate of the clerk of the board of common council, attested by the city register, under the seal of the city thereto attached; and, after the same is recorded, he shall file the same in the city register's office.

To record verdict of jury.

To file verdict in register's office

To file abstracts in register's office.

SEC. 12. The land commissioner shall keep a record of detailed abstracts of the property purchased by the city under executions, and shall also cause all deeds made by the city marshal to the city of St. Louis, as purchaser under ordinance, to be recorded in said recorder's office; and, after the same are recorded, shall file the same in the city register's office.

Juror's fees.

SEC. 13. Each juror shall be entitled to receive a fee of one dollar and fifty cents per day for his services.

Street - opening fund, how kept.

SEC. 14. The auditor and treasurer shall keep a separate account of all moneys collected and paid into the city treasury and appropriated by ordinance on account of the opening of any street, avenue, alley, wharf, or public square; such account to be styled "street-opening fund."

Account of judgments, how kept.

SEC. 15. Whenever the land commissioner shall furnish to the comptroller the abstract of judgment, specified in section six of this article, he shall take the comptroller's receipt for the gross amount thereof, including the costs charged, and file the same with the auditor, who shall charge the comptroller with such gross amount; and the auditor shall credit the comptroller with all receipts of the treasurer for moneys paid by him into the city treasury on account of the street-opening fund; and also credit him with the gross amount, reported to the auditor by the land commissioner, marked unpaid by the comptroller on each abstract returned by the comptroller to the land commissioner. And it shall be the duty of the land commissioner, immediately on the return of each abstract to him by the comptroller, to report to the auditor the gross amount marked unpaid thereon.

SEC. 16. The land commissioner shall also take a receipt from the city marshal for the gross amount of all executions, including costs charged, issued to him for collection, and file the same with the auditor, who shall charge the city marshal with such gross amount; and the auditor shall credit the city marshal with all receipts of the treasurer for moneys paid by him into the city treasury on account of the street-opening fund, and also with the gross amount of executions under which sales and deeds have been made to the city of St. Louis as purchaser. And it is hereby made the duty of the land commissioner to report to the auditor the gross amount of such last-mentioned executions immediately upon the return of the same by the marshal to him.

Account of executions, how kept.

SEC. 17. The land commissioner shall, in each case of condemnation of private property, after the final return of the city marshal, make report to the common council of the total amount of damages assessed and to be paid; of the amount assessed and to be paid as benefits; of the amount collected and paid into the city treasury; of the amount appropriated by the city; of the amounts of the executions under which the city became purchaser, and the amount to be appropriated to provide for a deficiency, if any, in the street-opening fund, and for the liquidation of the damages.

Land commissioner to report to common council on final return of marshal.

SEC. 18. The land commissioner shall, immediately after the city marshal shall have returned to him all executions issued in any case of condemnation of private property, make out a certified abstract, following the order of the verdict, showing what assessments have been paid and satisfied, and the manner thereof, and file the same for record in the office of the recorder of deeds for St. Louis county; and, at the filing thereof, shall cause a note to be entered on the margin of the record of the verdict to which said abstract refers, referring to the record of said verdict.

To file abstract of assessments, etc., in recorder's office.

SEC. 19. No damages shall be paid in any case until the final return of the city marshal to the land commissioner; and six per cent. annual interest shall be allowed on all amount of damages not paid within six months after the confirmation of the verdict of the jury in each case, such interest to commence at the expiration of said six months.

When damages shall be paid.

SEC. 20. All damages and costs incurred and expenditures had under the provisions of this ordinance shall be charged to said

Damages and costs, how paid.

street-opening fund, and no money shall be paid on account thereof, except upon the warrant of the auditor, drawn on the treasurer, upon the requisition of the land commissioner; and every such requisition shall give all particulars as to the name of the claimant, and the nature and the amount of the claim; but, in case there is no money to the credit of the street-opening fund in the city treasury, the auditor may draw his warrant for the payment of jurors' fees, chargeable to the contingent fund.

Land commissioner to keep record of requisitions.

SEC. 21. The land commissioner shall keep a record in detail of all requisitions made by him on the auditor under the provisions of this ordinance.

Engineer to take possession of property for city; to remove buildings, etc.; to sell buildings of city.

SEC. 22. Upon the payment of the damages assessed for any property taken, thereupon the city engineer shall forthwith proceed to take possession of the property for the city, and remove all buildings and improvements and obstructions therefrom, in conformity with existing ordinances, and any expenses incurred thereby shall be charged to the street-opening fund; and if any such buildings or improvements, by the verdict of the jury, belong to the city, they shall, provided the value thereof in the opinion of the city engineer exceeds one hundred dollars, be sold to the highest bidder, for removal, after ten days' advertisement in two newspapers printed in the city; and all moneys arising from the sale of such improvements shall be paid into the city treasury to the credit of the street-opening fund.

Purchase money to be placed to credit of street fund.

Land commissioner to report dedications.

Engineer to remove obstructions.

SEC. 23. The land commissioner, in all cases where he shall ascertain that streets, avenues, alleys, or wharves, have been dedicated to public use and have not been opened, shall report the fact to the mayor; and it shall be the duty of the city engineer to proceed to open the same, and remove all obstructions therefrom, upon his receiving written directions, signed by the mayor and land commissioner.

### ARTICLE III.

#### *Condemning of Nuisances.*

Nuisances, land commissioner to be notified of.

SECTION 1. Whenever any street or alley in the city of St. Louis shall be declared a nuisance by the board of health, the clerk of said board shall immediately notify the land commissioner of said fact.

SEC. 2. The land commissioner shall thereupon immediately summon a jury of six disinterested citizens of this city to inquire into the fact of the existence of the alleged nuisance. As soon as the said jury have been qualified, it shall proceed to the locality of said nuisance, and view the same, and return a written verdict thereupon to the land commissioner, who shall transmit the same to the common council.

Jury to inquire into nuisance.

Verdict to be transmitted to council.

SEC. 3. Each juror shall be entitled to receive a fee of one dollar and fifty cents per day for his services.

Juror's fees.

SEC. 4. All expenses incurred in holding inquests, herein authorized, shall be charged to appropriations for streets and alleys, and the auditor shall issue his warrant for the same upon the certificate of the land commissioner.

Expenses of viewing nuisances, how paid.

SEC. 5. The city marshal shall serve all summons and other process of the land commissioner authorized under this article.

City marshal to serve process.

Approved, August 2, 1864.

( No. 5569. )

AN ORDINANCE TO FACILITATE THE OPENING OF STREETS BY THE LAND COMMISSIONER.

|                                                |   |   |                                               |   |
|------------------------------------------------|---|---|-----------------------------------------------|---|
| <i>Deputy marshal, mayor to appoint</i> .....  | 2 | 1 | shal to perform duties required by.....       | 2 |
| <i>salary of</i> .....                         | 1 | 1 | <i>Mayor, to appoint deputy marshal</i> ..... | 1 |
| <i>duties of</i> .....                         | 2 | 2 | <i>shal</i> .....                             | 1 |
| <i>Land commissioner, deputy marshal</i> ..... |   |   | <i>Salary, of deputy marshal</i> .....        | 1 |

*Be it ordained by the Common Council of the City of St. Louis :*

SECTION 1. The mayor is hereby authorized to appoint, with the approval of the board of common council, a deputy city marshal, at a monthly salary of seventy-five dollars.

Mayor to appoint deputy marshal.

Salary.

SEC. 2. The duties of the deputy city marshal, appointed under this ordinance, shall be to perform all that is required of the city marshal by ordinance number five thousand three hundred and ninety-three, and to make proper reports of the same to the city marshal; and to perform such other acts required by the land commissioner, under said ordinance five thousand three hundred and ninety-three, as may expedite the work of the said commissioner.

Duties of deputy marshal.

Approved, March 24, 1865.



(No. 5434.)

## M A R K E T S .

## AN ORDINANCE IN RELATION TO MARKETS.

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*Be it ordained by the Common Council of the City of St. Louis.*

#### ARTICLE I.

##### *City, Center, North, Sheppard, and Lucas Markets.*

Center market, located.

SECTION 1. Block number four hundred and seventeen in the city of St. Louis, bounded north by Spruce street, south by Poplar street, east by Seventh street, and west by Eighth street, shall constitute and be known as the Center market.

North market, located.

SEC. 2. All that portion of Third street north of Washington avenue, and all that portion of Broadway south of Carr street, and the sidewalks of Broadway from Morgan street to Biddle street, shall constitute and be known as the North market.

Stands for farmers' wagons at North market.

SEC. 3. All that portion of Broadway on either side thereof, and next to the sidewalk, which lies between Morgan street and Carr street, and so much of the east side of Fourth street as

lies between Morgan street and Franklin avenue, along the curbstone, be, and the same is hereby, set apart as stands for farmers' wagons, and considered a part of the North market, coming under the rules and regulations of said market, and the supervision of the market-master.

SEC. 4. All Twelfth street, from Market street on the south to St. Charles street on the north, between the west line of east Twelfth street and the east line of west Twelfth street, and the sidewalks on the same, is hereby declared to be a public market, to be known and designated as the Lucas market. \*

Lucas market,  
located.

SEC. 5 [7]. All that portion of the North market house on the west outer side of the same is set apart for vegetable stands; and all that portion on the east outer side of the same is set apart for the use of butchers; and the sidewalks and space at the south end of the market-house are set apart for the sale of fish and wild game.

Vegetable  
stands in north  
market.

Butchers' stalls.

Fish and game  
stands.

SEC. 6 [8]. All that portion of Broadway north of Carr street and south of Cass avenue, and all that portion of Fifth street north of Carr street, and all that portion of Biddle street west of Fifth street and east of Seventh street, and all that portion of O'Fallon street from Broadway to Seventh street, shall constitute and be known as the City market.

City market, lo-  
cated.

SEC. 7 [9]. All that portion of Broadway from Carr street to Biddle street, and west of the sidewalks thereof, shall be, and the same is hereby, set apart for wagons [bringing produce to market for sale,] † and considered a part of said City market.

Farmers and  
hucksters'  
stands at city  
market.

SEC. 8 [10]. The sidewalks on the west side of Fifth street, from Biddle to O'Fallon street, are hereby set apart for the sale of fresh meat by the quarter.

Stands for sale  
of meat by the  
quarter.

SEC. 9 [11]. All butchers' stands, vegetables, fruit, fowl, fish, and all other such stands outside of the market-house, shall not

Size of stands  
outside of mar-  
ket-house.

\* Section four of this article is the first section of ordinance No. 5598, approved June 5, 1865. The fourth, fifth, and sixth sections of this article, in the original ordinance, are repealed by ordinance No. 5621, passed by the common council, the mayor's objections thereto notwithstanding, July 19, 1865.

† So much of this section (which in the original is section nine) as is inclosed within brackets is an amendment added by ordinance No. 5621, passed by the common council July 19, 1865.

occupy a greater space along the curbstone than eight feet, and extending from the same three and a half feet deep.

Vegetable, fruit  
and game  
stands.

Stands for far-  
mers' wagons.

Stand for vehi-  
cles bringing  
feed.

Butchers' stalls.

Stalls not leased  
may be rented  
for sale of fowls.

Stands for sale  
of fowls.

Fruit and veget-  
able stands.

Stand for butch-  
ers' wagons.

Regulations  
concerning  
teams.

Penalty.

Place for sale of  
beef and pork by  
the quarter.

SEC. 10 [12]. The east side of Broadway, from Biddle to Bates street, is hereby set apart for vegetable and fruit stands, and the sale of dead game; and all that portion next to the curbstone on the west side of Broadway, from O'Fallon street to Cass avenue, is hereby set apart for farmers' wagons.

SEC. 11 [13]. All that portion of Fifth street from Carr to Biddle street, and the east side of Broadway from Bates street to Cass avenue, is hereby set apart for teams bringing corn, oats, hay, clover or straw, for sale; the teams occupying Fifth street, from Carr to Biddle street, shall be located in the center of said Fifth street, thereby making an open passage on either side thereof.

SEC. 12 [14]. All the inner portion of the market-house shall be, and is hereby, set apart for butchers' stalls: *But provided, however,* all of such stalls that may not be leased or rented for said purpose, the comptroller shall, and he is hereby, authorized to lease or rent the same, by the month or otherwise, for the sale of dressed fowls.

SEC. 13 [15]. All that portion on the east outer side of the market-house is hereby set apart for the sale of dressed fowls, and all that portion of the west outer side of said market-house is hereby set apart for fruit and vegetable stands.

SEC. 14 [16]. Biddle street from Broadway to Sixth street, and O'Fallon street from Broadway to Sixth street, and the west side of Sixth street from Carr to Biddle street, are hereby set apart for butchers' wagons.

SEC. 15 [17]. It shall not be lawful for teams to occupy or remain a longer time than may be necessary to unload or load their respective teams within the following limits, to-wit: Broadway, from Biddle to O'Fallon street; and Fifth street, from Biddle to O'Fallon street; and whoever violates this section shall be deemed guilty of a misdemeanor, and forfeit and pay to this city a sum not less than one nor more than twenty-five dollars, to be recovered as other penalties for misdemeanor.

SEC. 16 [18]. That part of Rutgers street between Second street and Fifth street is hereby set apart for the selling of beef

and pork by the quarter, under the regulations and restrictions governing the same in other city markets.

SEC. 17 [19]. The city engineer is hereby directed to cause a market-house to be erected on the lot of ground dedicated for this purpose by Elisha H. Sheppard, bounded by Carondelet avenue, Miami street, and Capitol avenue, of capacity sufficient to contain four stalls, and of such height and dimensions as he may deem necessary and proper; and the sum of one thousand five hundred and fifty dollars, or as much thereof as may be necessary for said purpose, is hereby appropriated out of the contingent fund, to be applied in the payment of the cost of the erection of said building.

Sheppard market, located.

SEC. 18 [20]. When said building shall be completed the same shall be used as a public market, and shall be known as "Sheppard market," subject to all the rules and regulations made for other markets of the city.

Subject to market regulations.

## ARTICLE II.

### *Market-Masters' Rules and Regulations.*

SECTION 1. Proper authority is hereby given to the market-master of each market, and it is made their duty respectively, to make all needful rules and regulations touching the designation and arrangement of vegetable and fruit stands, and the arrangement, stationing, and removal of all wagons, carts, and other vehicles used or brought by marketers within the boundaries of limits set apart for public market purposes: *Provided*, such rules and regulations are not inconsistent with the ordinances and charter of the city.

Power of market masters to establish rules and regulations.

SEC. 2. Before any of the rules and regulations made in pursuance hereof shall take effect, they shall be submitted to the mayor and the president of the board of common council for their approval; and, if they approve such rules and regulations, they shall endorse their approval thereon, and cause a copy of the rules and regulations so approved to be filed in the office of the city register.

Rules and regulations, how approved

SEC. 3. Immediately after the making and approval of any rules and regulations for either of the markets, it shall be the duty of the register to have the same published, in the same

Rules and regulations to be published.



manner and for the same length of time as ordinances of the city are required to be published; and also cause a sufficient number of such rules and regulations to be printed, in handbill form, for posting, and deliver the same to the market-masters, respectively, to be posted; and they shall post up the same in the most public and conspicuous places in and about the several markets and market-grounds; and each market-master shall keep posted up, in a conspicuous place in his office, a copy of all the rules and regulations made in pursuance hereof for each and all the market-houses and market-grounds within the city.

### ARTICLE III.

#### *Leasing of Stalls, Stands, etc.*

Leasing of  
butchers' stalls.

Lease of vegeta-  
ble stands.

Butchers' stalls,  
who to grade  
price of.

Leasing to be at  
auction.

Bidders to pay  
certain sum on  
bidding.

Sum forfeited on  
failure to exe-  
cute lease.

SECTION 1. It shall be the duty of the comptroller, on the first Monday of each year, to lease all the vacant butchers' stalls in the City, Center, North, and Lucas markets, respectively; and, on the first Monday in May of each year, he shall lease all the vacant vegetable and fruit stands in the Center, North, City, and Lucas markets, excepting the vegetable stands on north Twelfth street.\*

SEC. 2. The comptroller, and the chairman of the committee on markets of the board of common council, shall establish and grade the prices upon the butchers' stalls, and they shall be leased for the term of one year.

SEC. 3. Such leasing shall be at public auction, to the highest bidder, and the comptroller shall give at least ten days' public notice of the time and place of such leasing in all the papers employed in the city.

SEC. 4. Every person bidding off, or taking at its valuation, any stall or stand, shall, at the time of so doing, pay to the comptroller ten dollars, which shall be credited upon his first payment; and if he fail, within three days thereafter, to execute the lease for the stall or stand as bid off by him, and the comptroller shall be within that time ready to execute the lease on behalf of the city, the said sum shall be forfeited to the city.

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\* This section of the original ordinance is amended so as to include Lucas market, by ordinance No. 5598, approved June 5, 1865.

SEC. 5. Each lessee shall, in his lease, provide two or more securities, to be approved by the comptroller, who shall be jointly bound with the lessee for the payment of the rent of the stall or stand, semi-annually, in advance.

Lessees to give security.

SEC. 6. Ten days before the rent of any stall or stand shall become due, the comptroller shall make out an account thereof, and deliver the same to the collector of the ward in which the market is situated, taking his receipt therefor, which shall be delivered to the auditor, and by him charged to the collector.

Account against lessee to be delivered to collector.

SEC. 7. If the lessee of any stall or stand, on demand being made, fail to pay the rent thereof at the time the same shall become due according to the terms of the lease, such lease shall be thereby forfeited; and the collector shall notify the comptroller and market-master of such demand and non-payment.

Lease forfeited on failure to pay rent.

SEC. 8. Whenever any stall or stand shall become vacant, or the lease thereof forfeited, the comptroller may lease, as herein-after provided, for the unexpired term..

Lease for unexpired term.

SEC. 9. If any lessee of any stall or stand, whose lease shall have been forfeited, or any other person without a lease or permission, as hereafter provided, hold, use, or occupy any stall or stand, he shall forfeit and pay to the city not less than ten nor more than fifty dollars for each day that he shall so hold, use, or occupy such stall or stand.

Penalty for selling without lease.

SEC. 10 [11].\* Every person who shall occupy a stand or stall in either of said market-places shall faithfully keep and observe the market hours set apart for sale by this ordinance, as well as all the rules and regulations thereof; and any person violating either or any of the provisions of this ordinance shall be subject, where no other penalty is provided, to a fine of not less than ten nor more than fifty dollars for each and every violation, to be sued for and recovered as in other cases of breach of city ordinances.

Penalty for violating rules.

SEC. 11 [12]. In every lease of a stall or stand there shall be inserted a clause of forfeiture if the lessee permit the stand to be used by any other person, and nothing herein contained shall authorize any lessee to transfer his lease.

Clause of forfeiture in lease.

SEC. 12 [13]. The comptroller and chairman of the committee on markets shall establish and grade the prices upon fish stalls and

Price of stalls and stands, who to grade.

\* Section 10 of the original ordinance is repealed by ordinance No. 5621, passed by the common council July 19, 1865.

stands, and coffee-stands,\* in the city markets, on the first Monday of June of each year, first giving ten days' public notice, by handbills stuck up in the markets, of the time and place of such grading; but no stands on the east side of the Center market shall be leased as fish-stands.

Price of stand to be paid, when.

SEC. 13 [14]. Every person bidding off any such stalls or stands shall pay to the comptroller, upon the execution of the lease, the amount for which said stall or stand was leased.

Lessees to lease but one stand.

SEC. 14 [15]. No person or company of persons shall be entitled to lease more than one stall or stand in each of said market-places, and any person who shall, by himself or others, bid off more than one of said stalls or stands, shall forfeit all of his right to any of the same, and all moneys paid by him on such leasing; and no right acquired at such leasing shall be transferred by the lessee to any other person without the written consent of the comptroller, and such consent shall not be given by that officer if the transfer is to be made to any person holding a lease of any such stalls or stands, or to any other person by which a monopoly will be created.

Fish-stands let at private sale.

SEC. 15 [16]. Whenever any fish stall or stand, or coffee-stand, shall become vacant or forfeited, the comptroller may immediately take possession of the same, and re-let it at private sale.

Fish-stalls not to be sub-let.

SEC. 16 [17]. In all leases of fish-stalls, the comptroller shall put [in] the proviso that no person bidding off a fish stall or stand shall lease or sub-let said stall or stand to another; and that if the lessee of a fish-stand shall neglect to keep a supply of fresh fish on hand for six days at any one time, except when the ice prevents the catching of fish, the stall so leased shall be forfeited to the city and leased again.

Supply of fish to be kept.

Sufficient fish-stands to be kept on hand.

SEC. 17 [18]. The market-master shall always keep a sufficient number of such fish-stalls or stands in the market-places.

Fish stands may be let for single days.

SEC. 18 [19]. If any stall or stand be not leased in conformity to the provisions herein contained, the market-master may permit any person to occupy the same for a single day or for a number of days; for which privilege such person shall pay to the market-master, for a stall, seventy-five cents, and for a stand, fifteen cents,

Price of stands for single days.

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\* The words "and coffee-stands" are added to sections 13 and 16 of the original ordinance by ordinance No. 5598, approved June 5, 1855.

for each day he may so occupy it ; which sums shall be paid into the city treasury monthly.

SEC. 19.\* The comptroller, and chairman of committee on markets, shall locate and regulate the number of coffee-stands in each of the city markets. Coffee-stands, how regulated.

SEC. 20. Whenever any market-master shall collect from any person any sum of money as rent for the occupancy of any stall or stand, as provided in the preceding sections, he shall sign and give such person a printed receipt therefor, countersigned by the city register, who is hereby required to furnish market-masters with such printed receipts monthly, or oftener, if necessary, charging the market-master therewith as so much cash received ; said receipt shall be accounted for by the market-masters at each monthly settlement with the city treasurer. Market-master to give receipt for moneys. Register to furnish printed receipts. Receipts to be accounted for.

SEC. 21. Any market-master receiving any money in pursuance of said section, and failing or refusing to give such receipt therefor as is provided and intended by the preceding section, or shall charge or receive more than is allowed by said section nineteen, shall, on conviction thereof before the recorder, be deemed guilty of a misdemeanor, and shall be fined not less than fifty dollars for the first offense, and for the second offense shall be removed from office. Penalty for refusing to give receipt. Charging excessively.

SEC. 22. That in making leases for the stalls and market-houses there shall be inserted a clause allowing the city, in case it should be desired to remove or destroy any market, the privilege of annulling the lease or leases upon three months' notice of the fact. Leases to contain clause of annulling lease, when.

SEC. 23. The lessees of the butchers' stalls shall each cause his stall to be painted twice a year—say, in the month of April and in the month of October of each year. Butchers' stalls to be painted, when.

#### ARTICLE IV.

##### *Market-Masters.*

SECTION 1. There shall be appointed a market-master for the City market, one for the Center market, and one for the North market. Market-masters to be appointed.

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\* Section 19 is the fifth section of ordinance No. 5598, approved June 5, 1865.



Duties of market-masters.

SEC. 2. It shall be the duty of each market-master, in the market for which he is appointed:

To supervise markets.

*First*—To exercise a general supervision over the market-house and market-place, and to enforce the regulations established for the government thereof.

To assign places.

*Second*—To assign places to wagons or persons attending the market, and enforce order among them.

To have care of market-house.

*Third*—To exercise a general care and custody of the market-house, and all appurtenances thereof.

To examine articles for sale.

*Fourth*—To examine the quality of all articles offered for sale in the market, and to seize all blown, unsound, diseased, impure, or unwholesome articles exposed for sale.

To examine weight of articles.

*Fifth*—To examine the weights of all articles exposed for sale, and seize all which are of less weight than that represented by the seller.

To keep order in market.

*Sixth*—To enforce order in the market-place, and decide all disputes which may arise between buyer and seller touching the weight or measure of any article.

To attend in market.

*Seventh*—To attend, either in person or by deputy, at the market every day during market hours.

To pay moneys into treasury.

*Eighth*—To pay into the city treasury, on the last Saturday of each month, all moneys received by him on account of the city.

Power of market-masters.

SEC. 3. In order to the performance of his duties, each market-master is invested with full power and authority in all matters connected with the market for which he is appointed; and all persons are required to obey his rules, regulations, and directions in all such matters.

Articles seized to be sold.

SEC. 4. Whenever any article shall be seized by a market-master under the authority given as aforesaid, he shall expose the same to sale at public outcry in the market-place, and pay the proceeds of the sale into the city treasury.

Market-masters to superintend cleaning of markets.

SEC. 5. The market-masters shall superintend the cleaning of the market and market-grounds for which they are respectively appointed, and cause the streets, footways, and market-grounds to be sprinkled with water whenever it shall be necessary to prevent and lay the dust, and for that purpose may use water from the waterworks, and use the hose provided by the city.

Market-places to be cleaned.

SEC. 6. The market-masters shall cause the market-houses and market-places to which they shall be respectively appointed

to be thoroughly cleaned, and all the filth to be removed therefrom by the scavengers employed for that purpose by the city, and keep the footways and steps in the winter season clear of ice and snow.

SEC. 7. Each market-master shall keep as many scales, and other implements for weighing, duly stamped and certified by the inspector of weights and measures, as may be necessary to do all the weighing in said market; and shall, whenever requested, weigh all articles belonging to marketers and others, intended for sale, and shall be allowed to charge five cents for each separate or single article, to be paid by the person or party requesting the same to be weighed. No person shall weigh any article of marketing within the market-grounds and charge therefor, except the market-master or his legal deputy, under the penalty of not less than twenty nor more than one hundred dollars for each offense.

Provisions for weighing articles in market.

SEC. 8. It shall be the duty of the market-master to seize all articles offered for sale in market which do not weigh as much as represented by the owner, vender, or person offering the same for sale. All articles so seized by the market-masters shall be carefully weighed by them; and, if found to be of less weight than represented, the articles shall be forfeited to the city for the use of the hospital, and the market-master shall deliver the same to the steward of the city hospital.

Articles short in weight to be forfeited to city.

SEC. 9. Each market-master is hereby authorized to order and remove from the market-house, market grounds and places, in a summary manner, any person who is guilty of any violent, turbulent, or disorderly conduct; or who shall, in any way, interfere with or disturb the marketers or buyers; or who shall violate or refuse to obey any ordinances, rules, or regulations for the government, conduct, and management of the market-houses, market places or grounds.

Disorderly persons may be removed from market.

SEC. 10. The market-masters of the Center, North, and City markets are required to keep at least two lamps burning in each of said markets during the whole of each night during the year.

Lamps to be kept burning in markets.

## ARTICLE V.

*Rules and Regulations.*

Market hours.

SECTION 1. The markets aforesaid shall be open for the sale of all victuals and provisions from the dawn of day until nine o'clock A. M., and from four o'clock P. M. until dark, from the first day of April until the first day of October; and from the dawn of day until eleven o'clock A. M., and from two o'clock P. M. until dark, during the remainder of the year; and on Saturday of each week, throughout the year, the same shall be open until ten o'clock P. M.

Closing of market, how announced.

SEC. 2. Each market-master shall be provided with a bell, and shall announce by the ringing thereof the closing of the market hours in the forenoon at least ten minutes before the time of closing.

Stalls and stands to be cleaned at closing of market.

SEC. 3. Every lessee or occupier of a stall or stand, in either market, shall, within thirty minutes after the ringing of the bell, as aforesaid, cause his vegetables, provisions, and vehicle, if he has one, or other thing, to be removed from the market-place, and his stall or stand to be thoroughly cleansed, and all animal and vegetable offal and rubbish to be removed from the market-place; and each butcher shall cause his tables, meat-blocks, and other fixtures to be thoroughly scraped and cleaned: *Provided*, the market-master may give permission to persons living more than five miles from the city to keep their teams in the market-place after market hours.

Markets to be supplied with hydrant.

SEC. 4. Each market shall be supplied with a hydrant for the use of the persons attending the market; and no provisions or other things shall be sold in the market except during market hours, without the permission of the market-master.

Fresh meat to be sold by lessees only.

SEC. 5. No person, not being the lessee of a butcher's stall, shall sell or offer for sale in market, or in any other place, any fresh meat in less quantities than one quarter; and no person, being the lessee of a butcher's stall, shall sell the same in less quantities than one quarter, except at the stall of which he is lessee.

Farmers may sell meat by the quarter.

SEC. 6. Nothing in the preceding section shall be construed to prevent any farmer or producer from selling his meat by the

quarter; or any person who follows the business of packing beef or pork, from selling bacon, shoulders, ham, and sides of their own curing, or spare-ribs and sausage meat, in the winter months; or any person from selling wild game not otherwise prohibited.

Bacon, etc., may be sold.

Wild game may be sold.

SEC. 7. No person but a lessee of a butcher's stall shall cut up and sell salted meat by the small quantity in market, and then only at his own stall. The provisions of this section shall not apply to bacon venders.

Salt meat to be sold by lessees only.

SEC. 8. No person shall sell, or expose for sale, in market, or any other place, any sick or diseased live animal, usually eaten for food (or for the purpose and with the design that the same shall be used for food), knowing, or having reason to believe, the same to be sick or diseased.

No sick animals to be sold in market.

SEC. 9. No person shall sell, expose, or offer for sale in market, or any other place, the flesh of any dead animal which was sick, overheated, or run down by dogs, or otherwise, at or before the time the same was butchered or slain, or which died a natural death, or was killed by accident, casualty, or other means than the usual manner of slaying animals for food; nor shall any person sell, expose, or offer for sale, in this city, any putrid, blown, plated, raised, stuffed, or unsound meat, fish, eggs, poultry, or other article of food; nor shall any person in this city sell, expose, or offer for sale, the flesh of any bull, boar, ram, dog, cat, or other animal not commonly deemed wholesome for food. The market-master shall seize any article in this section mentioned which he may find in the market, and cause the same to be destroyed; and if the person offering the same be a lessee of a butcher's stall, his lease shall be forfeited, and he shall never after be permitted to lease or occupy a stall in market.

Sale of certain dead animals prohibited.

Lease of butcher's stall forfeited, when.

SEC. 10. No person attending market for the purpose of selling shall purchase any article sold in the market as agent for tavern-keepers or other persons.

Venders not to purchase in market.

SEC. 11. No person shall ride, lead, drive, or place any horse or other animal into or upon any market, market-house, or foot-way pertaining thereto; or kill or slaughter any animal in market; or throw or deposit any animal or vegetable offal, filth,

Bringing animals, etc., to market prohibited.



meat, dead animal or fowl, fish, or any nauseous substance, in any market house or place.

Vehicles, how disposed of at markets.

SEC. 12. All vehicles, in which articles are brought to market for sale, shall be placed in such position as the market-master may direct.

Vehicles, when to be removed from market.

SEC. 13. Whenever any person, not the lessee of a stall or stand, shall have sold or disposed of the commodities brought by him to market for sale, he shall forthwith remove his vehicle from the market-place.

Selling on Sunday prohibited.

SEC. 14. No person shall sell, expose, or offer for sale any article in a market-place on Sunday.

Intoxicating drinks prohibited in market.

SEC. 15. No person shall, in market, sell or give away any wines, or spirituous or fermented liquor; or set up or keep any table or board for the purpose of eating or drinking at or about the same; or shall sell any meat, fish, vegetables, or bread, to be there used or eaten. \*The provisions of this section, however, shall not be so construed as to apply to stands leased under authority of this ordinance for the sale of coffee, and refreshments other than wines, spirituous or fermented liquors.

Eating-tables prohibited.

Coffee-stands allowed.

Penalty.

SEC. 16. If the lessee of any coffee-stand violate the provisions of the foregoing section, which shall be determined by the comptroller and the chairman of the committee on markets, his lease shall be declared forfeited, and none of the rent paid shall be refunded for the unexpired term of said lease.\*

Fires in market prohibited; except of charcoal.

SEC. 17 [16]. No person shall, during market hours, kindle or burn, in or about any market, any fuel, without permission from the market-master, or at any other place than that designated by him, except that charcoal may be burned in movable earthen or metallic vessels, so constructed and placed as effectually to prevent danger from fire therein to any woodwork in the vicinity, or inconvenience to persons passing.

Idling in market prohibited.

SEC. 18 [17]. No persons, not having lawful business in market, shall idly sit, lounge, stand, walk, or lie in or about the market-place.

Intoxicated persons not to visit markets.

SEC. 19 [18]. No person in a state of intoxication shall go upon a market-place during market hours.

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\*So much of section 15 as is inclosed in brackets, and the whole of section 16, are added to the original ordinance by ordinance No. 5598, approved June 5, 1865.

SEC. 20 [19]. No person shall bring, or suffer to come with him, into or upon a market-place, luring market hours, any dog, or any unruly or dangerous animal. Dogs prohibited in market.

SEC. 21 [20]. No person shall sell, expose, or offer for sale, in market, any horse, cow, ox, mule, jack, or hog, or other full-grown live animal, unless confined in a wagon, except at such place as the market-master may direct. Sale of live animals prohibited.

SEC. 22 [21]. Butter, lard, and honey, sold in market, shall be sold by weight avoirdupois; where the first-named article, is put up in rolls or balls, each roll or ball shall contain not less than one pound. Sale of butter, etc., regulated.

SEC. 23 [22]. No person shall sell, expose, or offer for sale, in any market-place, any goods, wares, or merchandise, manufactured within the city. Sale of manufactures prohibited.

SEC. 24 [23]. Whenever any article shall be exhibited in market, as though the same were intended for sale, whether sold or not, or directly offered for sale or not, such exhibition shall be held to be an exposure of the same for sale, and an offer to sell, within the meaning of this ordinance. What deemed exposing for sale.

SEC. 25 [24]. If the lessee of any stand or stall fail, for six consecutive days, to expose for sale, at his stand or stall, articles usually sold thereat, unless such failure be caused by sickness, or other unavoidable circumstance, his lease shall be forfeited, and his stall or stand may be leased to another, as in other cases of forfeiture. What deemed exposing for sale.

SEC. 26 [25]. Whoever shall violate any of the provisions of this article, or shall fail to obey any legal order of the market-master in relation to any matter placed under his official charge, shall forfeit and pay not less than three nor more than one hundred dollars. Leases forfeited when.

SEC. 27 [26]. If any lessee of any stall or stand be twice convicted of violating any ordinance in relation to markets, his lease shall, on the second conviction, be adjudged to be forfeited. Penalties.

SEC. 28 [27]. The provisions of this article are declared to apply to all markets in this city, except where the same are confined in terms or by the context to a particular market; and the market-master of private markets is invested with the same power, and required to perform the same duties, as the Lease forfeited on second conviction.

This article to apply to all markets.

Power of private market-masters.

market-masters of the Center, City, and North markets are invested with and required to perform.

Provisions concerning liens for certain purposes.

SEC. 29 [28]. The committee on markets of the board of common council, in conjunction with the comptroller, are hereby authorized to rent or lease stands in any of the public markets, for a term not exceeding twelve months, for the sale of dressed poultry, wild game, butter, eggs, and such other articles as may be prescribed by the said committee and comptroller, and upon such terms and conditions as may be fixed and determined by them: *Provided, however*, that no stand to sell meat by the quarter shall be rented for a longer time than three months, commencing from the first day of November in each year.

#### ARTICLE VI. \*

##### *Regulating Huckstering in City Markets.*

Stands in Center market regulated.

SECTION 1. So much of the west side of Seventh street east of the curbstone, of the south side of Spruce street north of the curbstone, and of the north side of Poplar street south of the curbstone, as is opposite the Center market-house, and the space immediately west of the sidewalks adjoining the said market-house on the west side, paved with stone on edge, is hereby set apart and appropriated for the use of farmers' wagons bringing produce for sale at said market, except spaces of twelve feet each, four on Seventh street and four on the west of said market, which shall be reserved for the use of butchers' and other wagons, for the purpose of loading and unloading their meat and vegetable products brought to market. The space adjoining the said market-house, except that heretofore reserved for fish-stands, and the center of the sidewalk east of the market-house, is hereby set apart for vegetable and huckster stands.

Stands in North and City markets regulated.

SEC. 2. All that portion of Broadway, on either side thereof, next to the sidewalks, which is between Morgan and Biddle streets, and so much of the east side of Fourth street as lies between Morgan street and Franklin avenue, along the curbstone,

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\*Article six of the original ordinance prohibiting huckstering is repealed by ordinance No. 5621, passed by the common council, the mayor's objections notwithstanding, July 19, 1865, and the above ordained in lieu thereof.

the west outer side of the North market, is hereby set apart for farmers' and other wagons bringing produce to market for sale : *Provided*, that a space of ten feet shall be kept vacant opposite each store or building, alternating in such manner that there shall be a continuous space of twenty feet vacant opposite each two of such stores or buildings for the use of vehicles conveying goods, wares, or merchandise to or from the same; and it shall be the duty of the market-master of the North and City markets to strictly enforce the above provisions, and, when necessary, to summon a sufficient number of the police to accomplish that object.

SEC. 3. All persons who cultivate the soil for a livelihood, and such only, shall be deemed to be farmers within the meaning of this ordinance; and no fee or payment whatever shall be demanded or collected from any farmer for the privilege of occupying a stand in any market belonging to the city.

Farmers, who  
deemed to be.

SEC. 4. No grocer, huckster, or other person shall sell or offer for sale, in any market or market-place, any produce or other article purchased within the city limits during market hours; and no person shall, during market hours, purchase in any market or market-place, or from any farmer, gardener, or producer within the city limits, any game, poultry, vegetables, fruit, or other produce, except so much as may be for his own use, or, if a housekeeper, for the use of his family; and any person convicted of a violation of this section shall be fined, for the first offense not less than ten dollars; for the second offense not less than one hundred dollars; and, after being convicted a second time, shall not occupy a stand in any of the public markets, either as principal or agent.

Penalty for pur-  
chasing during  
market hours,  
articles to be  
sold.

## ARTICLE VII.

### *Regulations Concerning Sale of Game.*

SECTION 1. No person shall sell, or expose for sale, in any market, street, lane, alley, booth, cellar, store, or in any other place in the city of St. Louis, any pheasant, quail, or partridge, between the tenth day of January and the first day of October; any woodcock, between the first day of February and the fourth of July; any prairie chicken, grouse, or heath hen, or wild

Sale of game  
prohibited at  
certain seasons.



turkey, between the first of February and the first day of August; any wild buck, doe, or fawn, or fresh venison, between the first day of February and the fourth day of August.

Possession of prohibited game deemed violation of previous section.

SEC. 2. Whoever shall have in his possession, or under his control, within the city of St. Louis, any of the fowl or game mentioned in the foregoing section, within the time prohibited therein, shall be deemed to have violated the provisions of the preceding section.

Duties of market-masters concerning sale of wild game.

SEC. 3. It is hereby made the special duty of all market-masters and the marshal to arrest all persons in the city of St. Louis found in the act of violating any of the provisions of this ordinance, and bring them before the recorder; and, upon information being filed by any other person that he has good reason to believe, and does believe, that any person has been guilty of violating any of the provisions of this ordinance, the recorder shall issue his warrant to the city marshal, directing him to bring before him the aforesaid offender, who shall be dealt with as in other cases of breach of city ordinance.

Penalties.

SEC. 4. Whoever shall offend against any of the provisions of this ordinance by selling or offering to sell, or by exposing for sale, or having in his custody, any of the birds or game therein prohibited, or any fresh venison, within the time prohibited, and within the city of St. Louis, shall, for each of the birds and each head of game, and each piece of fresh venison, so sold or exposed for sale, or in his possession, on conviction thereof, forfeit and pay a fine of not more than ten dollars, to be recovered as other penalties for violation of city ordinances, one-half of which is to be paid to the informer and the other half to go into the city treasury; which said fine and costs shall be paid forthwith; and, upon a failure to pay the same, the marshal shall commit the offender to the city workhouse, as in similar cases.

## ARTICLE VIII.

### *Meat-Shops.*

How license for meat-shop may be obtained.

SECTION 1. The keeping of meat-shops in the extended new limits of the city of St. Louis is hereby authorized and allowed, as follows, viz: The mayor, comptroller, and president of the board of common council are hereby created a board of permit,

to whom application shall be made for a license to establish a meat-shop by each applicant in the extended new limits; said board of permit being authorized by a majority vote to grant or refuse such application. When such application is granted, the register shall issue a license for one year to the party applying, who shall pay therefor the sum of seventy-five dollars to the register. The register shall pay over the same to the treasurer on the Saturday of each week, who shall give such receipts for the same as are now provided by ordinance. The person thus licensed shall have power thereunder to sell in his shop or stand all kinds of fresh meats, fish, vegetables, and game of every description, and all made meats, such as sausages, and so forth: *Provided, however*, that no such meat-shop or stand shall be located within four blocks either way of any market-house established by city ordinance.

SEC. 2. No person, unless duly licensed as aforesaid, shall sell in any shop, stand, wagon, or vehicle of any description, any fresh meats, fish, vegetables, game of any sort, or made meats, such as sausages, and so forth, in the extended new limits aforesaid, under a penalty of fifty dollars for each and every offense, one-half thereof to be paid to the prosecuting witness upon recovery in the recorder's court, and collection thereof by the marshal.

Penalty for selling meat, etc., without license.

SEC. 3. Every person duly licensed as aforesaid shall keep his meat-shop or stand duly clean and free from all foul smells and nuisances of every description; and, in failure thereof, shall be punished by a fine of fifty dollars for each offense before the recorder, one-half thereof to be paid to the prosecuting witness, upon recovery in the recorder's court and the collection thereof by the marshal. In case of conviction before the recorder, the license of the party so convicted to become void and of no effect; and any person selling thereunder afterwards, to be punished as in the second section hereof is provided. All meat-shops shall be under the control also of the board of health, who shall have power, by a majority vote of the board, to declare any one of the same a nuisance, for good and sufficient cause; which finding, when recorded in their proceedings and a copy thereof served upon the person licensed, shall operate as a canceling of his license and a prohibition of all sales thereunder. No license shall

Regulations concerning the keeping of meat shops.

be transferred without endorsement thereon by the register of such transfer, for which and the issuing of the original license he shall be paid a fee of fifty cents each. Every person, whether principal or agent, who sells in a meat-shop, or transacts the business thereof, shall be deemed a principal, as far as the penalties of this ordinance and his liabilities thereto are concerned.

Butchers having stalls may keep meat-shops.

SEC. 4. Every butcher the lessee of a stall in any of the markets belonging to the city, the rents whereof are paid into the city treasury, shall be entitled to keep a meat-shop or stand in the extended new limits for one year, gratis, from the date of the grant of the premises aforesaid: *Provided*, the rent of such stall has been fully paid up; *and provided further*, that the board of permit aforesaid authorizes the issue of a license therefor.

Keepers of meat shops to keep supply of meat, etc.

SEC. 5. Any person taking out a license under the provisions of this article is required, under penalty of forfeiture of the privileges herein granted, and also subject to a fine of not less than fifty dollars, to be recovered by conviction before the recorder, to keep exposed for sale at their shops or stands a suitable supply of fresh meats every day in the year, Sundays and public holidays excepted.

Approved, September 6, 1864.

( No. 5476. )

AN ORDINANCE AUTHORIZING THE SALE OF KILN-DRIED GRAIN AND KILN-DRIED MILL-STUFF IN THE CITY MARKETS.

|                                                             |               |   |                                                                 |               |   |
|-------------------------------------------------------------|---------------|---|-----------------------------------------------------------------|---------------|---|
| <i>Corn-meal</i> , kiln-dried, may be sold in markets.....  | $\frac{1}{2}$ | 1 | <i>Markets</i> , kiln-dried grain, etc., may be sold in.....    | $\frac{1}{2}$ | 1 |
| <i>Grain</i> , kiln-dried, may be sold in markets.....      | 1             | 1 | <i>Mill-stuff</i> , kiln-dried, may be sold in markets.....     | 1             | 1 |
| <i>Kiln-dried grain, etc.</i> , may be sold in markets..... | 1             | 1 | <i>Millers</i> , may sell kiln-dried mill-stuff in markets..... | 1             | 1 |

Kiln-dried grain, etc., may be sold in city markets.

*Be it ordained by the Common Council of the City of St. Louis.*

Nothing contained in the ordinance concerning markets shall be construed as prohibiting millers, the owners of mills, or any other person, from selling kiln-dried grain, kiln-dried corn-meal, and mill-stuff generally, in any markets in the city.

Approved, December 19, 1864.

(No. 5430.)

## MAYOR.

## AN ORDINANCE IN RELATION TO THE MAYOR.

|                                                                                      |         |                                                                            |        |
|--------------------------------------------------------------------------------------|---------|----------------------------------------------------------------------------|--------|
| <i>Auditor</i> , to draw warrant for secret service money, when                      | 10      | <i>Military</i> , mayor may call to his assistance, when                   | 7      |
| <i>Breach of peace</i> , mayor to quell may call on police, military, etc., to quell | 7       | <i>Notices</i> served on mayor, to be delivered to counselor               | 11     |
| <i>Citizens</i> , mayor may call to his assistance, when                             | 7       | <i>Oath of office</i> , when mayor to take                                 | 3      |
| <i>City officers</i> , mayor to supervise and control                                | 5       | <i>Offenders</i> , mayor may issue warrant for arrest of                   | 4      |
| mayor may examine books, etc., of                                                    | 5       | mayor may take secret measures to apprehend                                | 8      |
| mayor may call on for information                                                    | 5       | <i>Paupers</i> , mayor and council committee may remove                    | 9      |
| mayor to report, for neglect of duty                                                 | 6       | expense of removing, how paid                                              | 10     |
| <i>Common council</i> , to convene for installation of mayor                         | 1       | <i>President of common council</i> , to act as mayor, when                 | 12, 13 |
| to ascertain who was elected mayor                                                   | 2       | to order election of mayor, when                                           | 12, 13 |
| to notify party elected for installation                                             | 2       | <i>Police</i> , mayor may call to his assistance, when                     | 7      |
| mayor to report officers to, when                                                    | 6       | <i>Process</i> served on mayor, to be delivered to counselor               | 11     |
| may prefer charges against mayor                                                     | 12      | <i>Proclamation</i> , mayor to issue, to convene council, when             | 1, 4   |
| to investigate charges against mayor                                                 | 12      | president of council to issue for election of mayor, when                  | 12, 13 |
| president of, when to act as mayor                                                   | 12, 13  | <i>Recorder</i> , to try offenders arrested by warrant of mayor            | 4      |
| president of, to order election for mayor                                            | 12, 13  | <i>Register</i> (city), decision of council against mayor to be filed with | 12, 7  |
| <i>Contingent fund</i> , secret service money to be charged to                       | 10      | <i>Riot</i> , mayor to quell                                               | 7      |
| <i>Council committee</i> , to approve certain expenditures                           | 8       | <i>Rout</i> , mayor to quell                                               | 7      |
| <i>Counselor</i> (city), mayor to deliver notices and process to                     | 11      | <i>Secretary of mayor</i> , how appointed, etc                             | 15     |
| <i>Election</i> of mayor, when and how held                                          | 14      | <i>Secret measures</i> , mayor may take to apprehend offenders             | 8      |
| to be ordered by president of council                                                | 12, 13  | expenses of, council committee to approve                                  | 8      |
| <i>Installation</i> of mayor, provisions concerning                                  | 1, 2, 3 | <i>Secret service</i> , expenditures for, how paid                         | 10     |
| <i>Mayor</i> , powers and duties of                                                  | 1—15    | not to exceed what sum                                                     | 10     |
| proceedings for installation of                                                      | 1, 2, 3 | <i>Special election</i> for mayor, when to be ordered                      | 12, 13 |
| oath of office, when to be administered                                              | 3       | when and how held                                                          | 14     |
| charges against, how brought and investigated                                        | 12      | <i>Unlawful assemblage</i> , mayor to quell                                | 7      |
| proceedings on removing from office                                                  | 12      | <i>Vacancy</i> in office of mayor, how filled                              | 13, 14 |
| <i>Mayor's secretary</i> , mayor may appoint                                         | 15      | <i>Violation</i> of official obligation, mayor to be tried for, how        | 12     |
| term of office of                                                                    | 15      | <i>Warrant</i> , mayor may issue against offenders, when                   | 4      |
|                                                                                      |         | issued by mayor, how returnable                                            | 4      |



*Be it ordained by the Common Council of the City of St. Louis.*

Proclamations concerning council, when to be issued.

SECTION 1. The mayor shall, immediately after any election for mayor, issue his proclamation convening the common council on the Saturday succeeding such an election, for the purpose of making provision for the installation of the mayor elect.

Council to ascertain election of mayor.

SEC. 2. The common council, when so convened, shall proceed to ascertain, from the poll-books of the several wards and the certificates of the judges, who has been elected mayor; and shall give notice to the person elected that, on Tuesday following said Saturday, or on some other day to be designated by the council, at twelve o'clock, noon, in the hall of the board of common council, in the presence of the council, he will be installed mayor of the city.

To give notice of installation.

Council to meet to install mayor.

SEC. 3. Upon the day designated, the board of common council shall meet for the purpose aforesaid, when the oath of office shall be administered to the mayor elect.

Mayor may issue warrant to apprehend offenders.

SEC. 4. The mayor, when he has good cause to believe that an offense has been or is about to be committed against law or ordinance, may summon and examine witnesses in relation thereto, and, upon proper affidavit, may issue a warrant for the apprehension of any offender against law or ordinance, which warrant shall be returnable before the recorder, and shall be tried as warrants issued by that officer.

Mayor to have general control over city officers.

SEC. 5. The mayor shall have a general supervision and control over all city officers, and may, whenever he shall see fit, examine into the condition of their respective offices, the books, papers, and records therein, the manner of conducting their official business, and may call upon any officer, clerk, or deputy, for information in relation to any matter pertaining to his office.

Mayor to report violations, etc.

SEC. 6. The mayor shall report to the common council all violations or neglect of duty, on the part of any city officer, which may come to his knowledge.

Mayor call assistance of police, etc., to quell riots.

SEC. 7. The mayor shall have power to call to his assistance the city police, the military of the city and citizens, to assist him in preventing or quelling any riot, rout, unlawful assembly, or breach of the peace; and all persons so called out by him shall be subject to his orders while on the duty to which they are called.

SEC. 8. The mayor shall have power to take such secret measures as he may deem necessary for the detection and apprehension of offenders against law or ordinance; but no expenditure of money in relation to such service shall be made without consent of a committee of the board of common council, to be styled the "council committee."

Secret measures to apprehend offenders.

SEC. 9. For the purpose of assisting and effecting the removal of paupers from the city, who might otherwise become a great burden to it, the mayor and council committee shall have power to use such amounts of money, payable as hereinafter provided, as shall, in their judgment, be necessary to accomplish that object.

Power to remove paupers from city.

SEC. 10. For expenditures on account of secret service and removal of paupers the mayor shall draw his requisition on the auditor, approved by the council committee, and the auditor shall thereupon draw his warrant on the treasurer for the amount required, and charge the same to appropriation for contingent expenses: *Provided*, that the amount so expended shall not exceed the sum of five thousand dollars in any one year.

Secret service fund

SEC. 11. Whenever any process or notice shall be served on the mayor, in any legal or other proceeding against the city, or in which the city is a party, he shall immediately deliver the same, or a sufficient [note] notice thereof, to the city counselor, in order that the same may be attended to.

Process served on mayor to be delivered to counselor.

SEC. 12. The council shall have power at any time to prefer charges against the mayor for willfully violating any of his official obligations; and, should such charges be preferred against the mayor, the common council shall proceed at once to investigate and decide the same in the manner prescribed in other cases of a like kind; and should the mayor be, by the judgment of the council, removed from office, a copy of the decision shall be filed in the office of the city register, and the president of the board of common council shall be, *ex officio*, mayor for the time being, and until a successor is elected; and he shall issue a proclamation ordering an election to fill the vacancy in the office of mayor, caused by such removal, in the manner provided by the charter and ordinances of the city.

Charges against mayor, proceedings on.

Removal of mayor, proceedings on.

SEC. 13. Whenever any vacancy shall happen in the office of mayor, from death, resignation, or any other cause, the president of the board of council, *ex officio*, exercising the duties of

Vacancy in office of mayor, how filled.

mayor, shall, within thirty days from the time such vacancy shall occur, issue his proclamation directing a special election to be held to fill said vacancy, giving five days' notice of the time and place of holding said election.

Special election  
for mayor, pro-  
visions for.

SEC. 14. Such election shall be held under the regulations prescribed in the ordinance regulating elections: *Provided, however,* that no such special election shall be held in the event that such vacancy shall happen within three months of the expiration of the time for which the mayor (whose office had become vacant) had been elected.

Mayor's secre-  
tary may be ap-  
pointed.

SEC. 15. The mayor is authorized to appoint a suitable person to act as mayor's secretary, who shall hold the office at the pleasure of the mayor, and may be removed and discharged by the mayor at any time.

Approved, September 3, 1864.

( No. 5421. )

## MISDEMEANORS.

### AN ORDINANCE CONCERNING MISDEMEANORS.

|                                                                  |                |                                                                               |                 |
|------------------------------------------------------------------|----------------|-------------------------------------------------------------------------------|-----------------|
| <i>Able-bodied persons, who defined to be.....</i>               | <i>IV, § 5</i> | <i>Beasts of burden, turning loose in thoroughfare.....</i>                   | <i>III, § 1</i> |
| <i>Advertisements, sticking up on walls, etc., without leave</i> | <i>II, 4</i>   | <i>Beer-houses, employing lewd women in.....</i>                              | <i>II, 16</i>   |
| <i>indecent, sticking up or distributing.....</i>                | <i>II, 7</i>   | <i>Bell-man, employing, to attract people.....</i>                            | <i>I, 7</i>     |
| <i>Animals, leaving in the street not fastened.....</i>          | <i>III, 1</i>  | <i>Bells, using to attract people.....</i>                                    | <i>I, 7</i>     |
| <i>turning loose in thoroughfare.....</i>                        | <i>III, 1</i>  | <i>riding or driving animals with</i>                                         | <i>III, 2</i>   |
| <i>cruelty to.....</i>                                           | <i>III, 1</i>  | <i>driving animals harnessed to sleighs without.....</i>                      | <i>III, 3</i>   |
| <i>riding or driving with bells</i>                              | <i>III, 2</i>  | <i>Betting money or property at gaming.....</i>                               | <i>II, 5</i>    |
| <i>Assaulting another, disturbing peace by.....</i>              | <i>I, 2</i>    | <i>Beverages, places for sale of certain, may be kept open on Sunday.....</i> | <i>II, 12</i>   |
| <i>Assemblage of persons, disturbing.....</i>                    | <i>I, 5</i>    | <i>Billiards, playing on Sunday.....</i>                                      | <i>II, 10</i>   |
| <i>Assignment house, keeping.....</i>                            | <i>II, 6</i>   | <i>Bills, putting up on walls, etc., without consent.....</i>                 | <i>II, 4</i>    |
| <i>Barber-shops, may be kept open on Sunday.....</i>             | <i>II, 12</i>  | <i>indecent, putting up or distributing.....</i>                              | <i>II, 7</i>    |
| <i>Bathing, naked, in day-time.....</i>                          | <i>II, 3</i>   | <i>Blasting rock without proper precaution.....</i>                           | <i>III, 6</i>   |
| <i>Bathing establishments, may be kept open on Sunday.....</i>   | <i>II, 12</i>  | <i>Board of health, to abate steam whistles, when.....</i>                    | <i>VI, 4</i>    |
| <i>Bawdy-house, keeping.....</i>                                 | <i>II, 6</i>   |                                                                               |                 |
| <i>Beasts of burden, leaving unfastened in street.....</i>       | <i>III, 1</i>  |                                                                               |                 |

|                                                                                   |                                                                                 |
|-----------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
| <i>Books, exhibiting or selling indecent or lewd</i> .....II, 2                   | <i>Fierce dogs, permitting to run at large</i> .....V, 2                        |
| <i>Bowie-knife, carrying, concealed</i> II, 8                                     | <i>Fighting another, disturbing peace by</i> .....I, 2                          |
| <i>Breach of the peace, who guilty of</i> .....I, 2                               | <i>Flying kites in streets</i> .....III, 5                                      |
| <i>Bread, places for sale of, may be kept open on Sunday</i> .....II, 12          | <i>Funeral ceremonies, music permitted at</i> .....I, 3                         |
| <i>Business, place of, keeping open on Sunday</i> .....II, 10                     | <i>Gambling device, setting up, or keeping, or betting at</i> .....II, 5        |
| <i>Carrying concealed weapons</i> .....II, 8                                      | <i>Games, playing on Sunday</i> .....II, 10                                     |
| <i>Colt, found on person, guilty of breach of peace</i> .....I, 9                 | <i>Gaming-table, setting up, or keeping, or betting at</i> .....II, 5           |
| <i>carrying concealed</i> .....II, 8                                              | <i>Gardens, public, may be kept open on Sunday</i> .....II, 12                  |
| <i>Concealed weapons, carrying</i> .....II, 8                                     | <i>Goods, selling on Sunday</i> .....II, 10                                     |
| <i>Confectioneries, places for sale of may be kept open on Sunday</i> .....II, 12 | <i>Grounds, public, may be kept open on Sunday</i> .....II, 12                  |
| <i>Congregation at worship, disturbing</i> .....I, 4                              | <i>Hand-organs, no license to be issued for</i> .....I, 8                       |
| <i>Cross-knuckles, carrying concealed</i> .....II, 8                              | <i>House of ill-fame, keeping</i> .....II, 6                                    |
| <i>Cruelty to animals</i> .....III, 1                                             | <i>Householder, failing to pay tax on dogs</i> .....V, 8                        |
| <i>Dagger, carrying, concealed</i> .....II, 8                                     | <i>Hydrophobia, dogs to be secured during prevalence of</i> .....V, 11          |
| <i>Dirk, or dirk-knife, carrying, concealed</i> .....II, 8                        | <i>Ice-cream, places for sale of, may be kept open on Sunday</i> .....II, 12    |
| <i>Distilled liquors, selling on Sunday</i> .....II, 11                           | <i>Ice, impure, what deemed to be</i> III, 7                                    |
| <i>Disturbing the peace, three or more persons</i> .....I, 1                      | <i>taking from ponds</i> .....III, 7                                            |
| <i>who guilty of</i> .....I, 2                                                    | <i>Immoral play, performing</i> .....II, 2                                      |
| <i>religious worship</i> .....I, 4                                                | <i>Impure ice, what deemed to be</i> III, 7                                     |
| <i>lawful assemblage</i> .....I, 5                                                | <i>taking from ponds</i> .....III, 7                                            |
| <i>peace on Sunday</i> .....II, 13                                                | <i>Indecent dress, persons found in</i> II, 2                                   |
| <i>Dog, term defined</i> .....V, 10                                               | <i>exposure of person</i> .....II, 2                                            |
| <i>Dogs, provisions concerning</i> .....V, 1                                      | <i>or lewd act or behavior</i> .....II, 2                                       |
| <i>to be registered and tax paid for</i> .....V, 1                                | <i>or lewd book, exhibiting or offering for sale</i> .....II, 2                 |
| <i>rate of tax on</i> .....V, 2                                                   | <i>of gross notices, bills, etc., putting up or distributing</i> II, 7          |
| <i>to wear collars</i> .....V, 4                                                  | <i>play, performing</i> .....II, 2                                              |
| <i>to be secured</i> .....V, 11                                                   | <i>Informers, to receive one-half certain fine</i> .....V, 6                    |
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*Be it ordained by the Common Council of the City of St. Louis.*

# ARTICLE I.

## *Of Offenses Affecting the Public Peace.*

SECTION 1. Any three or more persons who shall, in this city, assemble together with intent, or, being assembled, shall mutually agree, to do any unlawful act, with force or violence, against the property of this city, or the person or property of another, or against the peace or to the terror of others, and shall make any movement or preparation therefor, and every person present at such meeting or assembly who shall not endeavor to prevent the commission or perpetration of such unlawful act, shall be deemed guilty of a misdemeanor.

Affray, or unlawful assemblage; riot.

Persons present and failing to prevent.

SEC. 2. Whoever shall, in this city, willfully disturb the peace of others by violent, tumultuous, offensive, or obstreperous conduct or carriage; or by loud and unusual noises; or by unseemly, profane, obscene, or offensive language, calculated to provoke a breach of the peace; or by assaulting, striking, or fighting

Disturbing peace.

- Permitting disturbance. another; and whoever shall, in this city, permit any such conduct in or upon any house or premises owned or possessed by him, or under his management or control, so that others in the vicinity are disturbed thereby, shall be deemed guilty of a misdemeanor.
- Music on streets prohibited. SEC. 3. It shall not be lawful for any military company, or any procession, or any body of persons, to march or pass through the streets of this city on Sunday accompanied by the sound of music; or for any person, on said day, to play in said streets upon any musical instrument. Whoever shall violate this section shall be deemed guilty of a misdemeanor: *Provided*, that this section shall not be construed to prohibit the use of music on said day in connection with funeral ceremonies.
- Except at funerals. SEC. 4. Whoever shall, in this city, disquiet or disturb any congregation or assembly met for religious worship, by making a noise, or by rude and indecent behavior, or profane discourse, within their place of worship, or so near the same as to disturb the order or solemnity of the meeting, shall be deemed guilty of a misdemeanor.
- Disturbing religious worship. SEC. 5. Whoever shall, in this city, disturb any lawful assemblage of people by rude and indecent behavior, or otherwise, shall be deemed guilty of a misdemeanor.
- Disturbing lawful assemblage. SEC. 6. Whoever shall, in this city, give or make a false alarm of fire, shall be deemed guilty of a misdemeanor.
- Giving false alarm of fire. SEC. 7. Whoever shall, in this city, employ any bell-man, or use or cause to be used any bell or other sounding instrument as means of attracting people to an auction or other place, or shall permit any such to be used for or on his account, shall be deemed guilty of a misdemeanor.
- Ring bell to attract attention. SEC. 8. That hereafter no license shall be granted to any person who may carry about the streets any hand-organ or other musical instrument for the purpose of playing music thereon, either on any street, alley, or public highway, or in any house, for gain; and whoever shall do the same shall be deemed guilty of a misdemeanor: *Provided*, that this section shall not be construed to refer to music required for a military parade, burial, or other procession, or serenading party.
- Licenses for hand organs prohibited. SEC. 9. Whenever there shall be found upon the person of any one who has been found guilty of a breach of the peace, or for conduct calculated to provoke a breach of the peace, any
- Music at parades, funerals, etc. not prohibited.

slung-shot, colt, or knuckles of lead, brass, or other metal ; or when, upon trial, evidence shall be adduced proving that such weapons were in the possession or on the person of any one while in the act or commission of the act aforesaid, such person shall, on conviction, forfeit and pay to this city a sum not less than twenty-five dollars, nor more than five hundred dollars.

Carrying slung-shot, etc., penalty for.

## ARTICLE II.

### *Offenses Against Public Morals and Decency.*

SECTION 1. Whoever shall, in this city, be found in a state of intoxication in any highway, thoroughfare, or other public place, shall be deemed guilty of a misdemeanor.

Being drunk in public place.

SEC. 2. Whoever shall, in this city, appear in any public place in a state of nudity, or in a dress not belonging to his or her sex, or in an indecent or lewd dress ; or shall make an indecent exposure of his or her person, or be guilty of an indecent or lewd act or behavior ; or shall exhibit, sell, or offer to sell, any indecent or lewd book, picture, or other thing ; or shall exhibit or perform any indecent, immoral, or lewd play or other representation, shall be deemed guilty of a misdemeanor.

Appearing in indecent dress.

Exposing person.

Indecent books.

SEC. 3. Whoever shall bathe, wash, or swim in the Mississippi river, or in any other water-course, pond, or pool, in this city, between one hour before sunrise and one hour after sunset, being naked or insufficiently clothed to prevent improper exposure of his person, shall be deemed guilty of a misdemeanor.

Bathing naked in day-time.

SEC. 4. Whoever shall stick or put upon any house, fence, wall, or other public place, in this city, any printed, written, painted, or other advertisement, bill, notice, sign, or poster, without having first obtained the written permission of the owner of such house, fence, wall, or other public place, shall be deemed guilty of a misdemeanor ; and whoever shall violate this ordinance, or cause the same to be done, shall forfeit and pay the sum of not less than twenty dollars for each and every offense, to be recovered as other penalties for misdemeanors.

Posting bills without leave of owner.

Penalty.

SEC. 5. Whoever shall, in this city, set up or keep any gaming table, or gambling device, at which any game of chance shall be played for money or property, or any thing representing money

Keeping gaming table.



- Gaming** or property; or shall, at any such table or device, or at any game of chance, bet, win or lose any money or property, either in specie, or by means of any thing representing the same; or shall suffer any such table or device, at which any game of chance is played, to be set up or used in any tenement in his possession or under his control, shall be deemed guilty of a misdemeanor, and shall forfeit and pay a sum of not less than fifty dollars; and it shall be the duty of the recorder, on receiving satisfactory information of any such table or device being so set up and used, to issue his warrant to the city marshal, commanding him to destroy the same, which warrant shall be immediately executed.
- Penalty.**
- Keeping bawdy-house.** SEC. 6. Whoever shall, in this city, keep a bawdy-house, house of ill-fame, or of assignation, or shall permit any tenement in his possession or under his control to be used for any such purpose, shall be deemed guilty of a misdemeanor, and shall forfeit and pay a sum of not less than fifty dollars.
- Penalty.**
- Posting indecent bills** SEC. 7. Whoever shall be guilty of sticking or putting up in any street, avenue, or alley, or on any wall, fence, or other public place in this city, any indecent or gross printed or written advertisement, bill, or notice of his professional skill or remedies for the curing of venereal, or what are usually called secret, diseases, or causing the same to be stuck or put up; or shall cause any such indecent or gross printed or written advertisement, either as a bill or circular, whether inclosed in an envelope or in any other form, to be left in any yard or premises attached to any dwelling-house, or shall be put under the door, or to be given to any servant or other person in or about such dwelling-house, shall be adjudged guilty of a misdemeanor; and shall forfeit and pay the sum of not less than fifty dollars for the first offense, and not less than one hundred dollars for each subsequent offense, to be recovered as other penalties for misdemeanors.
- Penalty.**
- Distributing indecent advertisements.** SEC. 8. Hereafter it shall not be lawful for any person to wear under his clothes, or concealed about his person, any pistol, or colt, or slung-shot, or cross-knuckles, or knuckles of lead, brass, or other metal, or bowie-knife, dirk-knife, or dirk, or dagger, or any knife resembling a bowie-knife, or any other dangerous or deadly weapon, within the city of St. Louis; and whoever shall violate this ordinance shall be deemed guilty of a
- Penalty.**
- Carrying concealed weapons.**

misdeemeanor, and, upon conviction, shall forfeit and pay to this city not less than ten dollars nor more than five hundred dollars for each and every offense, to be recovered as other penalties for misdemeanors.

SEC. 9. Nothing in this ordinance shall be so construed as to prevent any United States, State, county, or city officer from carrying and wearing such weapons as may be necessary in the proper discharge of his duties. Certain officers may carry weapons.

SEC. 10. Whoever shall, in this city, play on Sunday at billiards, ten-pins, or other games, or permit the same to be done on his premises, or shall on that day sell, or expose or offer for sale, any goods, wares, or merchandise, or keep open any dram-shop, or any store, shop, or other place of business, for business purposes, shall be deemed guilty of a misdemeanor. Playing on Sunday.  
Selling or keeping open on Sunday.

SEC. 11. Any person who shall, in this city, on Sunday, either directly or indirectly, sell, or expose or offer for sale, in any quantity, any distilled liquors, or any composition of which distilled liquors form a part, shall be deemed guilty of a misdemeanor, and fined not less than ten nor more than fifty dollars. Selling distilled liquors on Sunday.  
Penalty.

SEC. 12. The provisions of the tenth section of this ordinance shall not apply to the owners or lessees of gardens and grounds laid out and improved as places for public resort, for refreshment and recreation; nor be so construed as to prevent the keeping open on Sunday of barber-shops, bathing establishments, or livery stables, or any other place of business for the sale only of drugs and medicines, bread, confectioneries, ice-cream, soda-water, or other beverages not prohibited by the eleventh section of this article, or any article of immediate necessity: *Provided, however,* that no person shall be permitted, on Sunday, to sell or expose, or offer for sale, any of said articles on any sidewalk, street, or public highway within this city. Sale of certain articles permitted on Sunday.

SEC. 13. Any person who may, on Sunday, disturb the peace by any noisy, riotous, or disorderly conduct, in any street or other public place, or in any place of public resort for amusement or other purposes, shall be fined not less than twenty nor more than two hundred dollars. Disturbing peace on Sunday.  
Penalty.

SEC. 14. Any person who may be found, on Sunday, intoxi-

Being drunk in street on Sunday ; penalty.

ated in any street, or other public place, shall be fined not less than ten nor more than fifty dollars.

Permitting disturbance on Sunday.

SEC. 15. Any keeper of a dram-shop, beer-house, or other place of public resort, who may permit any breach of the peace or disturbance of public order and decorum, by noisy, riotous, and disorderly conduct on his premises, when it was in his power to prevent it, or who shall sell any intoxicating drink to any person already intoxicated, shall be fined not less than twenty-five nor more than two hundred and fifty dollars ; and, if the offense be committed on Sunday, he shall be fined not less than fifty nor more than five hundred dollars.

Selling intoxicating liquor to intoxicated person

Penalty.

Employing lewd women in public houses.

SEC. 16. Any keeper of a dram-shop, beer-house, or other place of public resort, who shall employ a lewd woman, having the reputation of a prostitute, as a carrier of beer or any other thing, either in the day or night time, or to sing or dance in a lewd or indecent manner in any such house or place, shall be fined not less than fifty nor more than one hundred dollars.

Penalty.

Runners and solicitors prohibited.

SEC. 17.\* Hereafter it shall not be lawful for any persons doing business in the city under a merchant's license to have or keep in their employment, or engage, for compensation to be paid, any runner, solicitor, agent, or other person, for the purpose of soliciting or enticing discharged soldiers, at or about the place of the discharge or payment of such soldiers, to buy or purchase at their store, stand, or place of business, any of their goods, wares, or merchandise. Any person violating the provisions of this section shall be liable and subject to pay a fine of not less than fifty nor more than one hundred dollars, to be sued for and recovered as in other breaches of city ordinances.

Penalty.

### ARTICLE III.

#### *Offenses Affecting Public Safety.*

Fast or careless driving.

SECTION 1. Whoever shall, in this city, ride or drive any beast of burden, in any highway, thoroughfare, or other public place, quicker than or beyond a moderate gait, unless in a case of urgent necessity ; or shall ride or drive any such animal so as to cause such animal or any vehicle thereto attached to come in

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\* This section is ordinance No. 5648, approved July 29, 1865.

collision with or strike any other object or any person ; or shall leave any such animal standing in any public place without being fastened or so guarded as to prevent its running away ; or shall turn any such animal loose in any thoroughfare ; or shall inhumanly, unnecessarily, or cruelly beat, injure, or otherwise abuse any dumb animal, shall be deemed guilty of a misdemeanor.

Leaving animal in street not fastened.

Turning animal loose in thoroughfare; cruelty to animals.

SEC. 2. Whoever shall, in this city, ride or drive any animal with a bell or bells of any description attached thereto, shall be deemed guilty of a misdemeanor. This section shall not extend to strangers passing through the city, nor to the use of bells upon horses driven in sleighs or sleds, when there is snow upon the ground.

Driving with bells.

Except sleighs.

SEC. 3. Whoever shall, in this city, drive any animal, harnessed to a sleigh or sled, without a bell or bells attached to such animal, shall be deemed guilty of a misdemeanor.

Driving sleigh without bells.

SEC. 4. In all cases of persons meeting each other in vehicles, in any highway or thoroughfare in this city, each person so meeting shall turn off and go to the right side of the highway or thoroughfare, so as to enable such vehicles to pass each other without accident. Whoever shall violate this section shall be deemed guilty of a misdemeanor.

Vehicles meeting, how to turn off.

SEC. 5. Whoever shall, in any highway or thoroughfare of this city, fly a kite, or use any sport or exercise likely to scare horses, injure passengers, or embarrass the passage of vehicles, shall be deemed guilty of a misdemeanor.

Flying kite in streets.

SEC. 6. Whoever shall, in this city, blast, or cause to be blasted, any rock, without having the rock, at the time of setting off the blast, covered on all sides of the orifice with good sound plank or timber, of sufficient length, width, and thickness, and so placed, as effectually to prevent fragments of rock from ascending into the air, shall be deemed guilty of a misdemeanor.

Blasting rocks without precaution

SEC. 7. All ice taken from sink-holes or ponds in the city of St. Louis and environs shall be deemed impure ice ; and every person taking or removing said ice from said sink-hole or pond shall be deemed guilty of a misdemeanor, and, on conviction thereof before the recorder, shall be fined not less than ten nor more than one hundred dollars for each and every offense.

Removing ice from sink-holes.

Penalty.



Duty of police officers concerning previous section.

SEC. 8. The police officers are hereby instructed to report any violation of the provisions of \* the preceding section; and, in the event said officers neglect or refuse to comply with the provisions thereof, on conviction thereof, he or they shall be deemed guilty of a misdemeanor, and subject to a fine not less than five nor more than ten dollars, to be collected as other violations of city ordinances: *Provided, however*, this ordinance shall only apply to those that sell or offer ice for sale.

Penalty.

#### ARTICLE IV.

##### *Vagrants.*

Vagrant, who declared to be.

SECTION 1. A vagrant, under the meaning and provisions of this ordinance, shall be deemed to be:

*First*—Any able-bodied male person, over the age of sixteen years, who, not having visible means to maintain himself, lives idly, without employment, and without any settled place of abode.

*Second*—Any able-bodied male person, who, not having any visible means to maintain himself, shall be found loitering or rambling about, or wandering abroad, and lodging in groceries, tippling-houses, beer-houses, out-houses, bawdy-houses, houses of bad repute, sheds, stables, market-houses, lumber-yards, or in the open air, or who shall be found trespassing in the nighttime upon the private premises of others, and not giving a good account of themselves [himself].

*Third*—Any able-bodied male or female person, over the age of sixteen years, found wandering abroad and begging, or going from door to door begging, or appearing in any street, thoroughfare, or other public place, begging or receiving alms.

*Fourth*—Any male or female person who shall be the keeper, proprietor, or exhibitor of any gaming table or device, or who shall be an assistant or attendant at any such gaming table or device.

*Fifth*—Any person who, for the purpose of gaming or gambling, travels about from place to place, or frequents steamboats at the wharf of this city, or goes from place to place in this city.

*Sixth*—Any person upon whom shall be found any instrument or thing used for the commission of burglary, or for picking

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\*The words "this ordinance," in the original, are changed to "the preceding section" by ordinance No 5470, approved December 5, 1864.

locks or pockets, and who shall fail to give a good account of the possession of the same.

*Seventh*—Any person who shall be found engaged in pigeon-dropping, as hereinafter defined.

*Eighth*—Any person who, having once been convicted of being a vagrant, or who has the reputation of being a vagrant, and who shall be found in possession of any Mexican puzzle, patent safe, strap, thimble and balls, or any other instrument or device used for pigeon-dropping.

*Ninth*—Any prostitute, courtesan, bawd, or lewd woman, or any female inmate of any bawdy-house, house of prostitution, house of assignation, brothel, or house of bad repute, who shall be found wandering about the streets in the night-time, or frequenting dram-shops or beer-houses, or any such lewd woman, having the reputation of a prostitute, who shall be found employed as a beer-carrier, or waiting, attending, or carrying beer or any other thing in any beer or drinking saloon, either in the day or night time, or who may be found employed in singing or dancing in a lewd or indecent manner in such house or place.

*Tenth*—Any procurer, pimp, or other male person, inhabiting a bawdy-house, or house of prostitution or assignation, or in any way connected with the keeping of any such house.

*Eleventh*—Any male or female person who, living idly, without employment, habitually associates with persons having the reputation of being thieves, burglars, pickpockets, or pigeon-droppers, or who habitually lodges in or frequents houses or other places having the reputation of being the resort of thieves, burglars, pickpockets, or pigeon-droppers, or places for the reception of stolen property.

SEC. 2. *Pigeon-dropping*, under the meaning and intent of this ordinance, shall be deemed the winning or obtaining of money or property, or things representing money or property, by its being bet or staked, on game, instrument, contrivance, or device, under the control of any person concerned in the game, bet, or stake, or any confederate of such person, and so contrived or constructed that the result of any game, bet, or stake, can be determined by either of such persons; or the borrowing of money or property, or any thing representing money or property, to be bet on any such game, instrument, contrivance, or device; or the

*Pigeon-dropping, meaning of term declared.*

inveigling, enticing, or persuading any person to bet or lend money or property, or any thing representing money or property, to be bet or staked on any such game, instrument, contrivance, or device.

Two or more  
may be tried  
jointly.

SEC. 3. Two or more persons found acting together, or in concert, for the purpose of pigeon-dropping, may be tried jointly.

Character and  
reputation may  
be proven.

SEC. 4. On the trial before the recorder of any person charged with being a vagrant, it shall be lawful for the city to introduce, in support of said charge, testimony as to the general character and reputation of the defendant touching any of the matters set forth in section first of this ordinance; and the defendant may resort to testimony of a like nature for the purpose of disproving said charge.

Able-bodied,  
who declared to  
be.

SEC. 5. An able-bodied person, under the meaning and intent of this ordinance, shall be deemed to be any person who is not, by reason of physical disability, prevented from following some honest avocation of labor, sufficient for his or her maintenance.

Penalties.

SEC. 6. Whoever shall be convicted of being a vagrant under the provisions of section first of this article shall be adjudged to pay a fine as follows: If under the first or ninth clause, not less than ten nor more than fifty dollars; if under the second or third clause, not less than fifty nor more than one hundred dollars; if under the fourth or fifth clause, not less than one hundred nor more than five hundred dollars; if under the provisions of the sixth, seventh, eighth, tenth, or eleventh clauses, five hundred dollars; and the recorder shall, in addition, require the defendant to give a bond to the city of St. Louis, with good and sufficient security, in a penalty of five hundred dollars, conditioned that said defendant will, for the space of six months next ensuing the execution of said bond, be of good behavior; and, in default thereof, it shall be the duty of the recorder to commit said defendant to the workhouse, until such security is given, not exceeding six months.

## ARTICLE V.

### *Dogs.*

Dogs above six  
months old to be  
registered.

SECTION 1. No dog above the age of six months shall be permitted to be and remain within the limits of the city of St. Louis as now fixed by law, unless the owner thereof shall have caused

such dog to be registered and the tax on such dog imposed by this ordinance to be paid.

SEC. 2. The tax on every dog in the city of St. Louis, whether male or female, shall be three\* dollars per annum, payable to the city register, for the use of the city, and the further sum of fifteen cents, payable to the city register, for his own use.

Amount of tax to be paid for dogs.

SEC. 3. The city register is authorized to procure circular metallic plates, having raised or cast thereon the letters "C. T. P.," and the figures indicating the year for which the tax has been paid, and a number corresponding with the number of the registry on the book in the city register's office; and the city register shall enter, in a book kept for that purpose, a descriptive list of the dogs registered under the provisions of this article.

Metallic plates to be furnished by register.

SEC. 4. It shall be the duty of the owner of every registered dog to put around the neck of such dog a collar not less than three-quarters of an inch in breadth, to which shall be attached, by a metallic fastening, the circular metallic plate aforesaid.

Plates to be fastened to dogs.

SEC. 5. It shall be the duty of each member of the city police, and of the city marshal and his assistants, to take up and impound in a suitable place, to be designated by the city marshal, and of the location of which notice shall be given by a bill posted up in a conspicuous place in the marshal's office, all dogs above the age of six months which are found within the city of St. Louis without collars around their necks, marked as provided in the two preceding sections.

Dogs not supplied with plates to be impounded.

SEC. 6 [8].† Every householder or head of a family suffering an unregistered dog to remain upon his premises, and every owner of an unregistered dog, within the city of St. Louis, shall, if reported to the city recorder and found guilty, be adjudged to pay the costs of the proceedings, and a fine of not less than five nor more than ten dollars, whereof one half shall go to the policeman or other officer reporting such case to the register, and the remainder to the city treasury; and be, moreover, ordered imme-

Permitting unregistered dogs on premises.

Keeping unregistered dog.

Penalty.

\*In the original ordinance it is "one dollar." The amendment is contained in ordinance No. 5604, approved July 19, 1865, and goes into effect January 1, 1866.

†The sixth, seventh, and ninth sections, and a part of the eighth section, in the original ordinance, are repealed by ordinance No. 5604, approved July 19, 1865.



diately to cause such dog to be duly registered and the tax imposed by this ordinance to be paid therefor.

Redemption fee. SEC. 7 [10]. For every dog taken up and confined in the dog-pound, as provided in the fifth section of this article, for which no tax has been paid, a redemption fee of two dollars, together with the amount of the license, shall be paid to the city register for the use of the city; and upon procuring the certificate of the register, stating that said amount has been paid, and paying the further sum of fifty cents to the pound-keeper for taking up such dog, the owner thereof, within three days after the impounding, or any other person after three days, shall be entitled to redeem such dog; and if the dog shall not be and is not redeemed within five days after being taken up, he shall be slain by the pound-keeper; and the person taking up such dog shall receive therefor the sum of fifty cents, and the pound-keeper the sum of twenty-five cents, to be paid out of the city treasury; but if it shall be made to appear to the satisfaction of the city register that any person claiming to redeem a dog confined in the dog-pound has registered such dog, and has put around his neck a collar stamped and marked as provided in section four of this ordinance, but that such collar has been accidentally displaced or lost, the register shall, if such person produces to him a metallic collar marked with his name, deliver to him a metallic plate, as described in section third of this article, to correspond with the registry, without any additional charge therefor, except the fee of fifteen cents for the use of such register.

Pound fee.

Unredeemed dogs to be slain.

Fee for taking up dogs.

Register's fee.

Duty of marshal to kill dogs. SEC. 8 [11]. It shall be the duty of the city marshal and his assistants to kill any dog which may be found in the city of St. Louis without an owner, and without a collar stamped or marked as provided in section four of this article: *Provided*, such dog cannot safely be taken up and impounded. But it shall not be lawful for any officer of the city of St. Louis, or other person, to use poison for the purpose of killing any such dog, or to use poison for the purpose of killing any dog, at any other place than the dog-pound; and any officer of the city of St. Louis, or other person, who shall entice any dog so collared out of the inclosure of the owner or possessor of such dog, or who shall molest or seize any dog while held or led by any person, or who shall bring into the city any dog for the purpose of taking up

Poison not to be used in killing dogs.

and impounding the same, shall, on conviction, be fined in a Penalty. sum not less than five nor more than fifty dollars.

SEC. 9 [12]. If any fierce or dangerous dog shall be found Penalty for allowing fierce dog to be at large. at large in the streets of St. Louis, and shall there annoy or endanger any person therein, the owner thereof shall forfeit and pay to the city of St. Louis a sum of money not exceeding fifty dollars for the first offense, on the part of said owner, in permitting such fierce or dangerous dog to go at large; and, moreover, it may be part of the sentence, upon such conviction, that such fierce or dangerous dog be immediately killed, and this sentence shall be forthwith executed by the city marshal, for which he shall receive the further sum of five dollars, to be paid by the owner of said dog, which sum shall be included in such second judgment.

SEC. 10 [13]. The word "dog," wherever used in this ordinance without qualification, is intended to mean a female as well as a male dog. Term "dog" declared.

SEC. 14.\* Whenever the prevalence of hydrophobia shall, in the opinion of the mayor, make it necessary for public safety, it shall be his duty to issue a proclamation notifying owners of dogs to keep the same well secured on their premises; and any dog found at large in any street or public place, at the expiration of two days after such proclamation has been issued, shall be killed immediately, unless muzzled and accompanied by a keeper, and the owner thereof shall be fined before the city recorder not less than two nor more than twenty dollars. When mayor may proclaim dogs to be secured. One-half of said fine shall be paid to the policeman or other officer having killed such dog, and the remainder shall be paid into the city treasury. When dog may be killed. It shall be the special duty of the police to carry the last provision of this section into effect. Penalty.

## ARTICLE VI.†

### *Steam Whistles.*

SECTION 1. Hereafter it shall not be lawful for the owner or owners, agents, lessees, supervisors, superintendents, workmen, Blowing of steam whistles prohibited.

\* This is section two of ordinance No. 5604, approved July 19, 1865.

† The sixth article of the original ordinance, treating of offenses concerning negroes and mulattoes, is repealed by ordinance No. 5604, approved July 19, 1865.

or employees in any capacity, of any saw-mill, or factory of any kind, or of any machine-shop, or foundry, or mill of any kind, to blow, or sound, or cause or permit to be blown or sounded, for any purpose whatever, any steam whistle within the city of St. Louis; about, or connected in any manner with, any saw-mill, factory of any kind, machine-shop, foundry, or mill of any kind, of which he or they are the owners, agents, supervisors, superintendents, workmen, or employees.

Penalty for  
blowing steam  
whistles.

SEC. 2. Any person offending against the foregoing section shall be deemed guilty of a misdemeanor, and shall, for each offense, forfeit and pay to the city of St. Louis a fine of not less than three nor more than one hundred dollars; but this ordinance shall not be so construed as to prevent the use of steam whistles on steamboats or locomotives within the city of St. Louis.

Presumption of  
liability.

SEC. 3. Whenever any steam whistle shall be blown or sounded about any premises contrary to the first section of this ordinance, the proprietors, or any of them, and the employees of said premises, shall be presumed to have caused or permitted said steam whistle to have been blown or sounded.

Duty of street  
inspectors  
touching steam  
whistles.

SEC. 4. Whenever it shall come to the knowledge of the street inspector of any ward or district that there is in his ward or district any steam whistle used in contravention of the provisions of this ordinance, it shall be the duty of such inspector to notify the owners or persons having the charge of the premises about which the steam whistle is used to abate the same; and, on their failure so to do within three days from the time of being so notified, the street inspector shall report them to the board of health, who shall cause said steam whistle to be abated in the same manner as other nuisances.

## ARTICLE VII [VIII].

### *Offenses Against Official Authority.*

Falsely person-  
ating officer;  
usurping au-  
thority of offi-  
cer.

Resisting offi-  
cer.

Permitting dis-  
turbance.

SECTION 1. Whoever shall, in this city, falsely represent himself to be an officer of this city; or shall, without being duly authorized by the city, exercise, or attempt to exercise, any of the duties, functions, or powers of a city officer; or shall hinder, obstruct, resist, or otherwise interfere with any city officer in the discharge of his official duties; or attempt to prevent any such

officer from arresting any person; or attempt to rescue from such officer any person in his custody, shall be deemed guilty of a misdemeanor. Rescuing prisoner from officer

## ARTICLE VIII [IX].

*Penalties.*

SECTION 1. Whoever shall be convicted of any misdemeanor, under any provision of this ordinance, in a case where no special penalty is prescribed, shall forfeit and pay to this city a sum not less than one nor more than one hundred dollars for the first offense; for the second offense, of a like nature, he shall forfeit and pay not less than double the minimum penalty aforesaid; for the third offense, of a like nature, not less than treble said minimum; and so on, increasing the minimum three dollars upon each additional conviction. Penalty for first offense.  
Second offense.  
Third offense.  
Further offenses.

SEC. 2. The word "misdemeanor," whenever it occurs in any ordinance, shall be construed to mean and to stand in lieu of "a violation of ordinance." Term "misdemeanor" declared.

Approved, September 3, 1864.

(No. 5392.)

## MULLANPHY EMIGRANT RELIEF FUND.

## AN ORDINANCE PROVIDING FOR THE ORGANIZATION OF THE BOARD OF COMMISSIONERS OF THE MULLANPHY EMIGRANT RELIEF FUND.

|                                                                                         |      |                                                                |   |
|-----------------------------------------------------------------------------------------|------|----------------------------------------------------------------|---|
| <i>Board of commissioners, established.</i> .....                                       | 1    | <i>Mayor, member of board of commissioners.</i> .....          | 1 |
| <i>how elected.</i> .....                                                               | 1    | <i>duty of, to notify commissioners elected.</i> .....         | 4 |
| <i>qualification of members of... members of, not to become lessees, penalty.</i> ..... | 2    | <i>ex officio president of board of commissioners</i> .....    | 5 |
| <i>power of, to expel member absent.</i> .....                                          | 3    | <i>Officers to be elected by board of commissioners.</i> ..... | 5 |
| <i>to report vacancies to common council.</i> .....                                     | 3    | <i>to give bond.</i> .....                                     | 5 |
| <i>term of office of members of mayor to be president of.</i> .....                     | 5    | <i>Salary, maximum, of secretary,</i> .....                    | 5 |
| <i>to elect officers.</i> .....                                                         | 5    | <i>Secretary, how elected.</i> .....                           | 5 |
| <i>duties and powers of.</i> .....                                                      | 6, 7 | <i>maximum of salary of.</i> .....                             | 5 |
| <i>books of, to be open to inspection.</i> .....                                        | 9    | <i>duties of.</i> .....                                        | 8 |
| <i>Bonds, officers to give.</i> .....                                                   | 5    | <i>office hours of.</i> .....                                  | 9 |
|                                                                                         |      | <i>Treasurer, how elected.</i> .....                           | 5 |
|                                                                                         |      | <i>Vice-president, how elected.</i> .....                      | 5 |



## MULLANPHY EMIGRANT RELIEF FUND.

*Be it ordained by the Common Council of the City of St. Louis :*

Board of commissioners established.

SECTION 1. There is hereby constituted and established a board of commissioners, to be styled the "Board of Commissioners of the Mullanphy Emigrant Relief Fund," which shall be composed of the mayor of the city for the time being, and ten members, one from each ward of the city, to be elected by the board of common council, and who shall possess the same qualifications as members of the council: *Provided*, that no member of the council shall at the same time be a member of said board of commissioners. But no person shall be eligible who is a lessee of any of the lands or property of said fund, or who is in any wise pecuniarily interested therein.

How composed.

Lessees of property not eligible.

SEC. 2. Whenever it shall come to the knowledge of said board that any member thereof has become lessee of any such lands or property, or become in any wise pecuniarily interested in said fund, they shall declare his seat vacated, and report such vacancy to the common council, who shall proceed to fill the same.

Seat of absentees may be vacated.

SEC. 3. The said board shall have power to expel therefrom any member who shall be absent from three consecutive monthly meetings of same, whenever a majority of the members elect shall so determine by vote; and, after such expulsion, shall report to the common council, as in case of other vacancies.

Term of office of commissioners.

SEC. 4. Immediately after the election of any commissioner, the mayor shall notify the person elected; and the person so elected shall hold his office for five years, or, if the vacancy to fill which he is elected was produced otherwise than by expiration of the term, then for such unexpired term.

Officers of board.

SEC. 5. The mayor shall be, *ex officio*, president of the board; and the board, at its first meeting, or as soon thereafter as practicable, shall elect a vice president, secretary (whose salary shall not exceed fifteen hundred dollars per annum), and treasurer, or such officers as may be needful for the transaction of its business. The board shall require and take from its said

Officers to give bond.

officers proper and sufficient bonds, of not less than twenty-five thousand dollars each, conditioned for the faithful discharge of their duties, and for the safe-keeping and proper expenditure of all moneys and property that may come into their hands.

SEC. 6. As soon as said board shall be fully organized, they shall be authorized to demand, receive, and receipt for all moneys, stocks, bonds, notes, or other evidences of indebtedness, and all property, of every description whatsoever, to which the city of St. Louis may now or shall hereafter be entitled to demand and receive by virtue of the last will and testament of the late Bryan Mullanphy, deceased. Powers of board.

SEC. 7. As soon after the organization of said board of commissioners as practicable, they shall devise and prepare a detailed plan for the disposition and management of all the property of said fund, and for the investment and expenditure of the proceeds, profits, and increase thereof; said plan shall state, as specifically as possible, the mode in which all the objects of the fund shall be accomplished, and provide necessary rules and regulations for the government and direction thereof; nor shall it be lawful for the board of commissioners to expend or provide for the expenditure of any of the moneys belonging to said fund until such plan shall have been submitted to and approved by the board of common council; and the council may amend, alter, or reject such plan, if it be deemed necessary. Board to prepare plan for management of property. Council may alter plan.

SEC. 8. The secretary shall make a detailed statement of the transactions of the Mullanphy emigrant relief fund, and submit it to the board of commissioners at each of its regular monthly meetings, including the amount received and disbursed, who to, and what for, together in such other manner as may be directed by the board; and he is further required to have the official proceedings of the board published in the newspapers doing the city printing. He is also required to submit, after first receiving the approval of the board of commissioners, semi-annual reports to the board of common council, giving detailed statements of the operation and condition of the fund. Upon any failure or neglect of said secretary to comply with the provisions of this section, he shall be immediately dismissed from said position. Duties of secretary.

SEC. 9. The books of said board shall be subject to inspection by any citizen of St. Louis; and the clerk of said board shall keep regular office hours each day in the week (except Sunday), from nine to eleven o'clock A. M., and from two to four P. M. Books to be open for inspection. Office hours of clerk.

Approved, August 2, 1864.

(No. 4860.)

NEW LIMITS.

AN ORDINANCE REGULATING PROCEEDINGS OF COMMITTEES OF IMPROVEMENTS FOR THE NEW LIMITS.

|                                                                                                                                      |   |   |                                                                         |   |   |
|--------------------------------------------------------------------------------------------------------------------------------------|---|---|-------------------------------------------------------------------------|---|---|
| <i>Auditor</i> , duty of concerning revenue from new limits.....                                                                     | 2 | 3 | <i>New limit committees</i> , when to meet.....                         | 2 | 6 |
| <i>Collectors</i> , duty of concerning revenue from new limits.....                                                                  | 2 |   | to record proceedings.....                                              |   | 6 |
| <i>Engineer</i> (city), to give information to new limit committees to make contracts for work ordered by new limit committees ..... | 8 |   | powers and duties of.....                                               | 4 | 7 |
| to certify bills for new limit work .....                                                                                            | 9 |   | to give information to.....                                             |   | 8 |
| duties of, touching new limit work .....                                                                                             | 9 |   | to certify bills for for new limit work.....                            |   | 8 |
| <i>New limit committees</i> , how constituted.....                                                                                   | 4 |   | <i>New limits</i> , what constitutes.....                               |   | 1 |
| to make reports.....                                                                                                                 | 4 | 7 | revenue from, to be kept separate.....                                  |   | 2 |
| proceedings upon report of... powers of, on dividing lines between wards.....                                                        | 4 | 5 | what revenue to be set apart for improvement of.....                    |   | 3 |
|                                                                                                                                      |   |   | <i>Old limits</i> , revenue from, to be kept separate.....              |   | 2 |
|                                                                                                                                      |   |   | <i>Revenue</i> , to be distinguished as between old and new limits..... |   | 2 |
|                                                                                                                                      |   |   | what, set apart for improvement of new limits.....                      |   | 3 |

Be it ordained by the Common Council of the City of St. Louis.

New limits, what constitutes.

SECTION 1. The new limits of the city of St. Louis, within the meaning of an act of the general assembly of the State of Missouri, approved January sixth, one thousand eight hundred and forty-seven, are hereby declared to be that portion of said city added thereto by an act of the general assembly of the State of Missouri, passed on the fifteenth of February, in the year one thousand eight hundred and forty-one, entitled "An act to amend an act to incorporate the city of St. Louis."

Collectors to distinguish revenue from old and new limits.

SEC. 2. It shall be the duty of the collectors of the revenue of each ward in the city to keep a book, in which they and each of them shall insert the amount of revenue by them collected in their respective wards within said new limits, so as to distinguish the revenue accruing from taxes on the property situated within said new limits, as also the amount of revenue derived from tax on licenses collected within the same from the revenue accruing from taxes and licenses in the old limits of the city, as they existed before the passage of the above last-recited act of one thousand eight hundred and forty-one.

SEC. 3. When the whole city revenue of each year shall have been collected, and there shall have been paid out or deducted from the net aggregate amount derived from taxes and licenses of every kind all expenses of the city hospital, except for additions and enlargement of the buildings; all quarantine or extra expenses (except for buildings) that may have been incurred within the year on account of the danger or prevalence of epidemic disease; and also all interest that may accrue upon money borrowed for the construction of public sewers within the city, which have or may be constructed at the expense of the city; then it shall be the duty of the auditor, and he is hereby required, to set apart and keep one-half of the remaining revenue derived from taxes and licenses as aforesaid, within said new limits, separate and apart from the other revenue of the city; and shall so enter the same on the books of his office, designating the several amounts collected in the respective wards; which shall be set apart and appropriated to the making and grading and improving the streets within the said new limits, and outside of the said old limits, in each of the several wards, in proportion to the amount of such revenue derived from each respectively.

Certain revenue to be set apart for improvement of new limits.

SEC. 4. The members of the common council from each ward, for the time being, shall constitute a standing committee on improvements for the new limits of said ward, and shall determine upon and report to the council what streets within the new limits they recommend the improvement of, and the amount to be expended in said improvement; which report shall be in writing, signed by said committee, and shall be published daily, for at least four days, in two papers publishing the proceedings of the council; and, if the council then concur in the report, they shall pass an ordinance providing for such improvement, as in other cases.

Board of improvements for new limits; how constituted.

Duties of.

SEC. 5. Whenever a street shall form the division line between that part of any two wards within the new limits, the councilmen representing such adjoining wards for the time being may act jointly, and recommend that an equal amount shall be appropriated from the reserve fund of each ward to improve such street.

Proceedings when street forms dividing line between two wards.

SEC. 6. Said committee on improvement of each ward shall meet on the third Tuesday of April in each year, at three o'clock

When to meet.



P. M., in the city hall; when they shall enter in a book, prepared for that purpose, their proceedings, exactly and minutely, so that said book shall exhibit a full, true, and faithful record of the proceedings from time to time.

Powers and duties of committee.

SEC. 7. Each committee shall have the power to adjourn from time to time, and, at their meeting, to determine on what streets and other public improvements within the new limits of their respective wards the proportion of revenue reserved and set apart for the use thereof shall be applied and expended, and the amount that shall be appropriated to every such improvement; and when they shall have determined on any improvement within the ward, and the amount to be expended thereon, it shall be the duty of said committee to make to the council a full report of their proceedings in relation thereto, signed by them.

Engineer to assist committee.

SEC. 8. It shall be the duty of the city engineer to give such information or assistance to the said committees in their respective wards as may be required of him for the purpose of carrying into effect the objects and purposes of this ordinance, and the law of the general assembly of the State of Missouri on which this ordinance is based; and, whenever any improvement is determined on as provided in the seventh section of this ordinance, the city engineer, when notified of the act, shall cause the same to be put under contract, under the direction of the said committee, and superintend the making and completion of said improvement in pursuance of said contract, and make report thereof to the council, as in other cases of city improvements.

Manner of making contracts for new limit work.

SEC. 9. In making said contract or contracts the city engineer shall be governed by the same rules as are observed in making other contracts for city work; and when payment is claimed under any contract so entered into it shall be his duty to certify that fact to said committee, stating at the same time whether, in his opinion, payment should be made or not. If he certifies that said payment should be made, then the committee shall make a requisition on the auditor therefor, who shall draw his warrant on the treasurer for the amount so certified to be due by the city engineer in favor of said claimant, when the same, on presentation to the treasurer, shall be paid. If the city engineer certifies that said payment should not be paid, he shall give his reasons therefor, which shall be acted on with as little delay as possible;

and if the committee decide that said money should be paid, they shall cause the same to be paid as hereinbefore provided, where the city engineer certifies in favor of payment. If the committee should refuse the payment of the amount claimed, all the proceedings connected therewith shall be reported to the council, who shall act thereon without unnecessary delay.

Approved, May 31, 1861.

(No. 5414.)

## PARKS AND PUBLIC SQUARES.

### AN ORDINANCE RELATING TO PARKS AND PUBLIC SQUARES.

|                                                                                            |      |                                                                                                        |      |
|--------------------------------------------------------------------------------------------|------|--------------------------------------------------------------------------------------------------------|------|
| <i>Appropriations for improvement of Carr square, how expended</i> .....                   | 2    | <i>Funds, subscribed for parks, how expended</i> .....                                                 | 1    |
| <i>Auditor to draw warrant on requisition of improvement committee of Carr square</i> .... | 9    | <i>Improvements, board of, of Washington square and Missouri park</i> .....                            | 3    |
| <i>Board of improvement, Washington square and Missouri park</i> .....                     | 3    | <i>authority of</i> .....                                                                              | 3    |
| <i>authority of</i> .....                                                                  | 6    | <i>Improvements, of Lafayette park by whom to be supervised</i> .....                                  | 6    |
| <i>of Lafayette park, to appoint keeper</i> .....                                          | 7    | <i>Keeper of Lafayette park, who to appoint</i> .....                                                  | 7    |
| <i>of Lafayette park, to make rules</i> .....                                              | 7    | <i>Lafayette park, board of improvement of</i> .....                                                   | 5    |
| <i>Carr square</i> .....                                                                   | 8    | <i>Mayor, to subscribe for improvement of parks and squares, member of board of improvements</i> ..... | 1    |
| <i>improvement committee of</i> ....                                                       | 8    | <i>member of board of improvements of Lafayette park</i> .....                                         | 3    |
| <i>improvement committee, authority of</i> .....                                           | 8    | <i>president of board of improvements</i> .....                                                        | 5    |
| <i>police to enforce regulations of</i> .....                                              | 8    | <i>Missouri park</i> .....                                                                             | 3    |
| <i>Committee of improvements for squares and parks</i> .....                               | 4    | <i>Public squares and parks, how improved</i> .....                                                    | 1    |
| <i>how elected</i> .....                                                                   | 3, 4 | <i>Police, to enforce regulations of Carr square</i> .....                                             | 8    |
| <i>duties of</i> .....                                                                     | 3, 4 | <i>Report, board of improvements to make, of expenditures</i> .....                                    | 2, 6 |
| <i>Common council, to elect board of improvements</i> .....                                | 3, 5 | <i>Rules and regulations of Lafayette park, how made</i> .....                                         | 7    |
| <i>Engineer (city), member of board of improvements of Lafayette park</i> .....            | 5    | <i>Carr square, police to enforce</i> .....                                                            | 8    |
| <i>to assist committee of improvements of Carr square</i> .....                            | 3    | <i>Subscriptions for improvement of parks and squares</i> .....                                        | 1, 4 |
| <i>Expenditures, how paid</i> .....                                                        | 2    | <i>Washington square</i> .....                                                                         | 3    |

*Be it ordained by the Common Council of the City of St. Louis.*

Mayor to subscribe an equal amount as raised by citizens for improvement of parks.

SECTION 1. Whenever and as often as the proprietors of the property fronting upon or lying adjacent to any public square or park, belonging to or under the control of and in the city of St. Louis, shall raise by private subscription any sum to be paid in one or a series of years, and to be expended in the ornamenting and permanent improvement of such square or park, the mayor of the city of St. Louis shall thereupon subscribe for and in behalf of said city an amount equal to the aggregate of the sum thus raised, which amount shall be paid within one year from the time of subscription: *Provided*, the sum thus to be paid by the city for any one square or park shall not exceed in any one year the sum of three thousand dollars: *and provided further*, that the entire fund thus raised by said proprietors and the city be expended under direction of the council, or by persons nominated and elected by it.

How funds shall be expended.

Report of expenditures to be made.

SEC. 2. A full report of all such expenditures shall be annually made to the council by the persons appointed to make the same, which shall be paid out of appropriations for public parks and squares.

Board of improvements, how elected.

SEC. 3. At the first called or stated session of the council of each year there shall be elected, by the board of common council, a committee of four persons, to be entitled "The Washington Square and Missouri Park Board of Improvements," two of whom shall be members of the council, and the remaining two shall be selected from persons living in the vicinity of said public grounds; who, in conjunction with the mayor, shall be charged with the duty of carrying out the provisions of this ordinance, so far as relates to the public grounds named in this section.

Duties of board.

Committees of improvements, how elected.

SEC. 4. A committee of improvement for any other of the public squares or parks may be elected in like manner, and charged with the duties, whenever the proprietors of property fronting or adjacent to any such public grounds shall raise by subscription any sufficient sum of money, as provided for in the first section of this ordinance.

Lafayette park.

SEC. 5. The public square lying between Mississippi, Missouri, Lafayette, and Park avenues, shall be hereafter known and designated as "Lafayette Park." The board of improvement

constituted for the purpose of managing the inclosing and planting of said square shall consist of five persons, of whom the mayor and city engineer shall at all times be, *ex officio*, two members thereof; the other three to be elected by the council from among the citizens residing and owning property in the vicinity of said square, every two years, to hold office until their successors be duly elected. The mayor shall be president of said board.

Board of improvements,  
how composed.

SEC. 6. Said board of improvement shall have authority, subject to the approval of the council, to adopt plans of inclosing and improving said square, and at all times to superintend the improvements thereon, and make the necessary disbursements; and shall make detailed report of the same to the council at the commencement of each stated session of the same.

Authority of board.

SEC. 7. Said board may contract with a person suitably qualified to serve as keeper of square, upon such terms, and granting him such privileges and immunities to compensate him for his services, as shall not conflict with the public interests; and, further, to prescribe such rules and regulations as are necessary for the government of said square: *Provided*, that the authority granted in this section shall at all times be subject to the approval of the council.

Keeper of square  
to be employed.

SEC. 8. Carr square is hereby placed under the management and control of an improvement committee, comprising the members of the common council representing the ward, and two citizens of the ward within which said square is or may be situated. The committee shall have full charge of said square, and shall make such improvements thereon, from time to time, as it shall deem proper; and the city engineer shall render said committee such assistance as shall be required of him; and the police shall see that the regulations made by said committee for the government of said square are duly observed.

Carr square.

Improvement  
committee, how  
composed.

SEC. 9. All balances of appropriations heretofore made for the improvement of said square, and all appropriations that may be hereafter made for the same purpose, shall be expended under the direction of said committee; and the auditor is hereby instructed to draw warrants upon the treasurer, in payment of the requisitions of said committee, for the purposes above specified, to the extent of the fund with which said square

Expenditures,  
how made.



shall stand credited upon his books; and each requisition shall state the amount and specific object thereof, and the name of the party to whom the sum is to be paid.

Appointment of  
improvement  
committtee.

SEC. 10. The two citizens heretofore mentioned shall be appointed by the common council, and shall act as members of said committee for two years, and until their successors are elected by the common council.

Approved, August 23, 1864.

( No. 5458. )

POLICE COURT.

AN ORDINANCE CONCERNING THE POLICE COURT, AND REGULATING THE PROCEEDINGS THEREIN.

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*Be it ordained by the Common Council of the City of St. Louis :*

ARTICLE I.

*Police Court.*

|                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Police court established.                          | SECTION 1. That there shall be and is hereby established a court in the city of St. Louis, to be called the "Police Court,"                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| By whom to be held.                                | which shall be held by the recorder; or, in case of his absence from the city, or his sickness, by any justice of the peace for St. Louis township, or councilman of the city, to be designated by the mayor, and who shall, for the time being, possess all the powers and perform all the duties which are enjoined upon the recorder by law or ordinance; and the acts of said justice or councilman officiating for the recorder shall have the same legal sanction and force as though performed by the recorder in person; and for the service rendered by the person officiating for the recorder he shall be allowed the same salary, <i>pro rata</i> , as the recorder would be entitled to. In case the recorder should be absent, from sickness, the salary of the person officiating in his stead shall be made chargeable to appropriations for salaries; otherwise, it shall be deducted from the salary of the recorder; and it is hereby made the duty of the clerk of the police court to certify to the auditor the length of time any person officiating as aforesaid shall have served, whereupon the auditor shall issue his warrant accordingly, chargeable as aforesaid. |
| Person officiating to have all powers of recorder. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Compensation of officiating recorder.              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| How paid.                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Clerk to certify amount due to.                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Jurisdiction.                                      | SEC. 2. The said court shall have jurisdiction of all suits for the recovery of any fine, forfeiture, or penalty imposed for the violation or breach of any ordinance; which suits, and the proceedings therein, shall be in the nature of a civil action.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Sessions of court regulated.                       | SEC. 3. There shall be a daily session of the police court (Sundays, Christmas, New-Year, Thanksgiving Day, and the                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

Fourth of July, excepted), commencing at the hours of eight o'clock in the morning, between the first day of May and the first day of October, and at nine o'clock in the morning during the remainder of the year; and all the cases set for each day shall be tried on such day, provided there be sufficient time between the hour set for the meeting of the court and sundown of the same day, except such cases as may be continued, as hereinafter provided.

SEC. 4. There shall be appointed a clerk of the police court, who shall take the oath required of city officers, and give bond to the city in the sum of one thousand dollars, with one or more securities, to be approved by the mayor, conditioned for the faithful performance of the duties required of him, and the paying over to the city, or to any person or persons entitled thereto, all the moneys that shall come into his hands.

Clerk of police court.

SEC. 5. It shall be the duty of the clerk of the police court to produce, each day, at the opening of the court, a docket, in which shall be entered all suits set for trial on that day, and the offenses for which the suits have been instituted; and the recorder shall note upon said docket the judgment or other action in each suit, so soon as the same is had.

Duties of clerk.

Docket to be kept.

SEC. 6. It shall be the duty of the chief of police to furnish to the clerk of the police court, each morning, at least half an hour before the time of opening said court, the names of all persons arrested during the last twenty-four hours, with a statement of the offenses with which they are charged, the names of the officers who made the arrests, the names and residences of witnesses, together with such other information as may be requisite.

Duty of chief of police.

List of persons arrested to be published.

SEC. 7. Persons in custody shall be tried first, if ready for trial; all other persons shall be tried in the order in which their names appear upon the docket.

Order of trying cases.

SEC. 8. Any person arrested for a violation of ordinance may be admitted to bail by executing a bond to the city, with sufficient security, to be approved by the mayor, recorder, marshal, or deputies, chief of police, or captain, or other person in charge of any station-house, in double the amount of the highest penalty provided by ordinance for the violation alleged, conditioned that said person will appear upon a day therein named, before the police court, to await his trial of the charge against him; and all bonds taken as above shall be forthwith

What officers may take bail.

Condition of bail bond.



filed with the clerk of the police court by the officer approving and taking such bond.

When bail bond may be forfeited.

SEC. 9. If the defendant fail to appear, according to the condition of his bond, or, having appeared, shall leave the court without awaiting his trial, the recorder may forfeit his recognizance and render judgment against defendant and securities for the amount of the penalty on said bond mentioned, to be collected as other judgments of the recorder; but the forfeiture of such recognizance may at any time be set aside by the recorder on the defendant appearing or being brought into court, within ten days after such forfeiture, and showing good cause for the same, and paying all costs having accrued, if the recorder so require.

How forfeiture may be set aside.

Manner of bringing suits.

SEC. 10. All suits in the police court (except such as are brought by the report of the chief of police, according to provisions of section sixth) shall be in the manner and form following. There shall be filed with the clerk of the police court a statement, signed by the city attorney, or person acting in his stead, which statement shall be in form substantially as follows: "City of St. Louis, — A. D. 18—. A. B. to the city of St. Louis, debtor, to — dollars, for a violation of an ordinance of the city of St. Louis, entitled an ordinance (here insert the title of ordinance), approved the — day of —, A. D. 18—, in this, to-wit: the said A. B., in the city of St. Louis, between the — day of —, A. D. 18—, and the — day of —, A. D. 18—, did (here insert particulars). — —, city attorney of the city of St. Louis."

Form of city attorney's statement.

Statement may include several persons.

SEC. 11. The said statement may include several persons charged with the same offense, who may be tried jointly, at their discretion, and, on conviction, pay, jointly, fines and costs; but, if they elect to be tried separately, they shall, on conviction, pay each, separately, a fine and costs.

Fine to be paid separately.

Suit not to be dismissed for informality.

SEC. 12. No suit shall be dismissed for any formal defects in the statement of the city attorney, if it substantially set forth the nature of the violation alleged.

Party, against whom suit is dismissed, may be kept in custody.

SEC. 13. When any statement filed by the city attorney shall be adjudged insufficient, and the suit thereupon dismissed, the defendant, if arrested under a warrant, may, at the discretion of the recorder, be detained in custody until a new statement and

affidavit be filed, and a new warrant be issued against him: *Provided*, that such detention does not exceed two hours.

SEC. 14. Upon a statement being filed, as provided in section ten, the recorder, or a person acting in his stead, shall issue a summons thereon, returnable forthwith, which shall be delivered to the city marshal, who shall forthwith proceed to execute the same, either by reading it to the defendant, or by delivering him a copy thereof, or by leaving a copy of it at his usual place of abode, with a free white person of the family over the age of fifteen years; and if the person against whom the summons shall be issued shall refuse to hear the same read, or to receive a copy thereof, the officer serving the same shall forthwith arrest him, and he shall be proceeded against as if said summons had been duly served.

Summons to be issued on statement.

Manner of service of statement.

SEC. 15. Upon the return of the summons by the marshal, the recorder or person acting in his stead shall be fully possessed of the cause, and shall proceed to hear and determine the same in a summary way; and to that end shall issue subpoena for witnesses, and attachments, and other summary processes, if necessary, to compel their attendance.

Causes to be tried summarily.

Process for witnesses may issue.

SEC. 16. When a defendant, duly summoned, fails to appear at the time the suit is set for trial, the recorder shall proceed to hear and examine the testimony offered on the part of the city, and shall render judgment by default against the defendant for such amount under the ordinance as he may deem justice to require; but such judgment by default may be set aside by the recorder, and a new trial granted within ten days of the rendition: *Provided*, that the defendant shall, within said ten days, make application and show good cause for said setting aside, and shall pay all the costs which have accrued, unless he show that he was prevented by unavoidable circumstances from attending at the trial, in which case he shall not be required to pay the costs.

Defendants failing to appear may be tried by default.

Judgment by default may be set aside.

Terms of setting aside judgment.

SEC. 17. No summons or warrant shall be issued against any person lawfully arrested by any officer or member of the city police, but in every such case a trial shall be had upon the written report of the chief of police; but the party so arrested may require of the city attorney to file a written statement setting forth the nature of the offense with which he is charged, and the ordinance under which the charge is brought, and for

No summons to issue against persons arrested.

Parties arrested may require written statement.

this purpose the recorder shall allow a reasonable time, not to exceed twenty-four hours.

Parties arrested  
to be brought in-  
to court for trial.

SEC. 18. At the opening of the police court each day the city marshal shall bring before the court, for trial, all persons who may be in custody for violation of ordinances; and the calaboose keeper shall, for this purpose, deliver to the marshal all the prisoners in his keeping: *Provided*, that no party whose case has been continued to a later day shall be required to be so brought before the court.

Number of ju-  
rors in police  
court.

SEC. 19. A jury before the police court shall consist of six persons, unless the parties agree to a less number, or unless the State law requires a jury of twelve.

When venire to  
issue for jury.

SEC. 20. Upon a jury being demanded, the recorder shall issue his venire, returnable at the time the case may be set for trial; and, if forthwith, the suit shall be put at the foot of the day's docket, and the recorder shall immediately proceed to try the next suit in order.

Proceedings  
when marshal is  
of kin to party,  
or prejudiced.

SEC. 21. When the city marshal is of kin to the prosecutor or defendant in any suit, and the defendant shall file an affidavit that the marshal is so prejudiced against him that justice may not be done in the selection of a jury, the recorder shall issue his venire to some disinterested person, who, before executing the same, shall be sworn faithfully and impartially to execute it; and who shall, for its execution, receive the same compensation as is allowed to constables for the same service in justices' courts.

Oath of jurors.

SEC. 22. Jurors shall be sworn or affirmed to well and truly try the matter in issue, and a true verdict render, according to the law and the evidence.

Parties joined  
may be tried  
separately.

SEC. 23. Persons jointly charged shall have a separate trial, if they demand it before the trial be gone into or before the jury be impaneled.

Form of verdict  
of jury.

SEC. 24. The verdict of the jury shall be in either of the following forms, as near as may be: "We, the jury, find the defendant to be not guilty, as against him alleged;" or, "We, the jury, find the defendant to be guilty, as against him alleged, and do assess that he pay a fine of ——— dollars." The verdict, in either case, to be signed by one of the jurors, acting as foreman.

SEC. 25. If the jury find the defendant guilty they shall assess the penalty within the limits prescribed by ordinance, where the same is not specially fixed by ordinance at a given sum.

Judge to assess penalty against party convicted.

SEC. 26. In every suit for violation of city ordinance, before the recorder, where the defendant shall be convicted, the following costs shall accrue, and shall be collected from defendant, in like manner with the penalty imposed, to-wit: A recorder's fee of seventy-five cents, a clerk's fee of fifty cents, a city attorney's fee of one dollar, a marshal's fee of seventy-five cents, and a fee of fifty cents for every witness claiming it—to be paid into the city treasury.

Costs regulated

SEC. 27. Whenever a defendant is proven guilty of a violation of ordinance, which violation is, in the judgment of the recorder, of a trivial nature, he may, at his discretion, dismiss defendant at payment of costs.

Defendant may be dismissed on paying costs

SEC. 28. Whenever a defendant shall be brought before the police court by summons, and it shall be shown to the recorder that, since the filing of the complaint, the cause of complaint has been abated, the recorder may dismiss defendant on payment of costs.

Defendant removing cause of complaint, may be dismissed on costs.

SEC. 29. When a defendant is acquitted, the informant or prosecutor may be adjudged to pay the costs, if it appear to the recorder that the prosecution was intended vexatiously, or without probable cause; and in case an informant, prosecutor, or person (other than a city officer), at whose instance or upon whose information any suit may be instituted by the city, shall neglect and fail to appear and prosecute the same, after being duly summoned, said informant or prosecutor shall be adjudged by the recorder to pay the costs that may have accrued in the case so reported.

When informant may be ruled to pay costs.

SEC. 30. Whenever any person (other than a city officer) shall have caused the arrest of another for a violation of ordinance, and the offense charged shall have affected solely or principally the person causing the arrest, the latter may withdraw the charge on payment of costs when the case shall be called for trial before the police court.

Prosecutor may withdraw charges on paying costs.

SEC. 31. Officers shall attend as witnesses against persons whom they shall have arrested without being summoned; and, if

Officers to attend court without subpoena.



they fail to appear at the time of trial, they may be attached and punished for contempt, as witnesses summoned.

**Witnesses' fees.** SEC. 32. All witnesses (city officers and prosecutors excepted) duly summoned in any suit before the recorder, and attending at the trial, shall be entitled to fifty cents for each day's attendance; but they shall not charge for attendance in more than one suit on the same day; and every witness shall be deemed duly summoned who is sworn and testifies in any cause.

**Claim and payment of witnesses' fees** SEC. 33. Whenever a witness claims his fees for attendance, the clerk of the police court shall give him a certificate of the amount due him, stating names of defendant and witness, with the date of trial; and the city marshal shall, on the presentation of said certificate to him, pay the same from any moneys in his possession belonging to the city of St. Louis, provided the same has been collected; and shall, at the end of every month, file every such certificate with the auditor, who shall allow the same in settlement of the marshal's accounts.

**Terms of continuances of trials.** SEC. 34. Whenever a suit is first called up for trial, if either party be not ready, owing to the absence of witnesses material to the case, a continuance shall be granted by the recorder for one day, on the application of the party desiring it; if a continuance is wanted by either party for a longer time, the party making application may be required to state, under oath, the materiality of such witness, and his name, residence, and occupation, if known, whereupon a continuance may be granted for a period not exceeding ten days; if, upon the calling of the case at the time to which it shall have been continued, a second continuance is asked, the party applying therefor shall be required to make affidavit, stating the materiality of the absent witness, what he expected to prove by him, and what means have been used to procure his attendance; if sufficient cause be shown, in the judgment of the recorder, he shall grant a further continuance, not exceeding thirty days: *Provided*, that if the defendant be in custody, and unable to give bail, no continuance shall be granted in behalf of the city for a longer time than forty-eight hours (except when Sunday shall intervene), nor shall a second continuance be granted in her behalf unless the defendant be admitted to bail; but the recorder may admit him to bail on his own recognizance in like manner as if he gave security, in which case a

further continuance, not exceeding thirty days, may be granted in behalf of the city.

SEC. 35. All applications for continuance shall be made either at the opening of the court in the morning of the day on which the case is set for trial, or when the suit is called up for trial, and at no other time, unless by permission of the recorder; and all motions for dismissal, on account of informality or illegality in the paper or proceedings, and all other motions in relation to matters which do not necessarily arise during the progress of a trial, and all pleas, except of "guilty," must be made and filed in writing, and argued when the case is called up for trial, and at no other time.

Applications for continuances, when to be made.

Motions to dismiss, etc., when and how to be made.

SEC. 36. Depositions taken in conformity to the laws of the State may be read in evidence on behalf of the defendant before the recorder, in any case where the witness is dead, or, by reason of sickness, old age, or bodily infirmity, or absence from the city, is unable to or can not safely attend to the trial, provided that such absence is without collusion of the party offering the deposition.

Depositions may be read.

SEC. 37. All processes and notices which it may be necessary, in any suit before the recorder, to serve on the city, shall be served on the city attorney or the person acting in his stead.

Process to be served on city attorney.

SEC. 38. In the absence of the city attorney or person prosecuting in his stead, when any suit in which the city is plaintiff is about to be tried, the recorder may, if he deem it necessary, appoint some one to prosecute on behalf of the city, who shall, during the time he is so acting, possess all the powers vested in the city attorney.

Recorder may appoint city attorney *pro tem*.

SEC. 39. When an affidavit on the part of the city shall be required in any cause which has originated in the police court, it shall be made by the city attorney, or, in case of his inability, by any person to whom the facts are known.

Who to make affidavits.

SEC. 40. An appeal shall lie from the judgment of the recorder to the St. Louis criminal court, in all cases, upon the party appellant complying with the provisions of the statute of this State regulating appeals from justices of the peace.

Cases may be appealed to criminal court.

SEC. 41. The city attorney or person prosecuting in his stead may, with the consent of the comptroller, take an appeal on behalf of the city from the judgment of the recorder; but the

City may appeal terms.

foregoing section shall not be construed as to require of the city any bond or affidavit when she is the party appellant.

Appeal docket,  
how kept.

SEC. 42. There shall be kept by the clerk of the police court an appeal docket, in which shall be duly recorded all the proceedings had in any suit in which an appeal shall have been granted to the criminal court; and, upon appeal being perfected, he shall make out and certify to the said court a full transcript of the proceedings had in said suit, for which (unless the city be appellant) he shall be entitled to and receive from appellant a transcript fee of one dollar and a half.

Execution to  
issue on judg-  
ment.

SEC. 43. Upon the rendition of any judgment by the recorder imposing a fine or penalty, if the defendant do not immediately pay the same, with all the costs accruing thereon, the recorder shall forthwith cause execution to be issued against defendant for the amount of such fine or penalty and costs, in the following form, as near as may be :

Form of execu-  
tion.

*“The State of Missouri, to the Marshal of the City of St. Louis, greeting.*

“WHEREAS, The city of St. Louis hath obtained judgment before the undersigned, recorder of the city of St. Louis, against —, for a violation of an ordinance of said city, for the sum of — dollars, together with her costs in this behalf; these are, therefore, to command you to levy the said debt and costs of the goods and chattles of said defendant, within the city of St. Louis, and expose the same for sale agreeably to law; and, for want of sufficient property whereon to levy said debt and costs, you are hereby commanded to take the body of the said defendant into your custody and convey said defendant to the city workhouse of the city of St. Louis; the keeper whereof is hereby commanded to receive said defendant, and said defendant safely keep, until the said debt and costs shall have been paid by said defendant’s labor, according to the laws of the State of Missouri and the ordinance of the city of St. Louis, or until said defendant shall be otherwise discharged by due course of law.

“And you are also commanded to make return of this execution within thirty days from the date of the same, with your return endorsed thereon, stating how you have executed the same.

“Given under my hand, at the police court, in the city of St. Louis, this — day of —, 18—.

“— —, *Clerk of Police Court.*”

SEC. 44. Upon receiving the execution above stated the city marshal shall immediately take the defendant into custody; and if said defendant do not, before sundown of the same day, satisfy said execution, either by paying the same in money, or by discovering to the city marshal sufficient goods or chattels, the property of said defendant, whereon to levy said execution for debt and costs, the city marshal shall, without delay, deliver the prisoner to the person contracting to convey prisoners to the workhouse, in the manner set forth in the second article of this ordinance.

*Manner of satisfying execution.*

SEC. 45. Any defendant who shall have been sent to the workhouse by authority of the preceding section, and wishing to appeal from the judgment of the recorder under the provision of section forty-one, shall, on application made to the recorder, be brought before the police court at the next sitting thereof after such application; and to this end the recorder shall cause an order to be issued upon the superintendent of the city workhouse to deliver said defendant to the city marshal, and the city marshal shall present the said order to said superintendent, who thereupon shall deliver the body of said defendant to the city marshal, who shall produce said defendant before the police court at its first sitting thereafter.

*How parties committed to workhouse may appeal.*

SEC. 46. Any defendant wishing to appeal from the judgment of the recorder, and not being ready to enter into bonds, may deposit with the city marshal the amount of fine and costs imposed, which shall be received by the said marshal as collateral security for such fine and costs until an appeal is perfected, when it shall be returned to defendant; but if such appeal shall not be perfected within ten days (unless when Sunday intervenes), the said collateral shall not be returned to defendant, but shall be applied to satisfy the fine and costs imposed on him.

*Defendant may deposit fine and costs before appealing.*

SEC. 47. The city attorney, when he is satisfied that a complaint or information of a violation of ordinance is made for vexation or without just cause, may, before commencing any proceeding, require the complainant or informant to deposit with

*City attorney may demand security for costs*



the city marshal double the amount of costs that will, in his judgment, accrue in the suit; and the recorder may, at any time after the filing of a statement by the city attorney, upon motion of defendant, require the deposit of costs aforesaid; but the provision of this section shall not apply to any report, complaint, or information made by any officer of the city in the discharge of his duty.

Power of recorder to punish for contempt.

SEC. 48. The recorder shall have power to punish all persons guilty of a contempt of his court by a fine of not more than one hundred dollars, or by imprisonment in the calaboose of the city, or the St. Louis county jail, for a term not to exceed twenty-four hours, or by both such fine and imprisonment; and he may commit such person until such fine be paid and the judgment of the court be satisfied, not exceeding ten days: *Provided, however,* that every warrant of commitment shall set forth specifically the facts constituting the contempt.

Costs, how collected from city.

SEC. 49. The auditor shall audit and allow all accounts for costs which shall have accrued in suits before the recorder, or suits appealed from the police court to the criminal court, and for which the city shall have become liable by reason of judgment against her by the recorder or judge of the criminal court, as the case may be: *Provided,* that such accounts be duly certified as correct by the clerk of the police court, or the clerk of the criminal court, as the case may be; and the auditor shall thereupon draw his warrant therefor upon the treasurer, payable out of the appropriation for expenses.

Recorder and marshal to be governed by State laws.

SEC. 50. The recorder and city marshal, in all matters pertaining to the duties of their respective offices concerning which there is no specific provision by ordinance, shall be governed by the law of the State of Missouri regulating proceedings in justices' courts, and the duties of justices of the peace and constables, so far as the same may be applicable.

Duties of clerk.

SEC. 51. It shall be the duty of the clerk of the police court to tax all costs in the police court (subject, however, to appeal to the recorder); to make out all fee-bills and executions; to make out and issue all processes of the court, and sign the same as clerk, except final papers in State cases; to make to the auditor each month a statement of all the fee-bills and executions returned to him satisfied by the city marshal during the

preceding month; to furnish to the common\* council at each regular session a full statement of the amount of fines imposed, amount of fines remitted by mayor, amounts of fines and costs collected, and fines and costs collected by execution to workhouse, and fines and costs outstanding since the commencement of the previous session; to administer oaths; to certify to transcripts from the recorder's docket, and other records of the court; and generally, when not otherwise prescribed by ordinance, the duties of said clerk shall be, as near as may be, the same as those required of the clerk of the St. Louis criminal court.

SEC. 52. The clerk of the police court shall have the care and custody of all the books, records, and dockets of said court; shall file and preserve all papers which pertain to any suit or other proceeding had therein; and shall keep a book or books, to be provided for that purpose, in which he shall enter the names, in alphabetical order, of all persons tried before the recorder, the date of the trial, the number of the cause according to the entry on the execution-blotted, the violation or offense charged, and the judgment rendered; said book shall be called the "alphabetical index." He shall also keep another book, to be called the "execution-blotted," in which he shall enter the names of every person tried before the recorder, in the order in which their names appear on the docket, the date of trial, the violation or offense alleged, and the judgment rendered; and these entries shall be numbered in their order for each month separately, commencing with number one for the first entry in each month; and all numbers on paper pertaining to the several cases, or on entries of the cases [in other books, shall correspond with the number of the cases] severally on the execution-blotted. He shall also keep another book, to be called the "execution book," with a Dr. and Cr. side, in which he shall enter on the Dr. side every fee-bill or execution delivered to the city marshal, placing in separate columns the amount of the fine, the recorder's fees, clerk fees, city attorney's fees, marshal's fees, and witness fees; on the Cr. side he shall enter, in like manner, every fee-bill or execution returned to him by the city marshal, taking care to keep together fines and fees satisfied, in distinct columns from

Further duties  
of clerk.

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\* The word "city," in the original ordinance, is changed to "common" by ordinance No. 5469, approved December 5, 1864.

finer and fees in workhouse, or other cases in which the same are not collected. He shall also keep a roll of attorneys for the police court, and no attorney shall practice in said court unless his name appear on said roll of attorneys by authority of the recorder; and any attorney's name may be stricken therefrom, by the order of the recorder, for unworthy conduct or character derogatory to the respect due the court.

State cases to be kept in separate docket.

SEC. 53. The clerk of the police court shall keep a separate docket of all State cases brought for trial before the recorder, in which he shall enter the names of the parties arrested, and the offense charged against each; also the names of the officers or persons making the arrests, the names of the witnesses, and the disposition made thereof by the recorder.

### ARTICLE III.

#### *Conveying Prisoners to the Workhouse.*

Comptroller to advertise for proposals to convey prisoners to workhouse.

SECTION 1. The comptroller shall, ten days before the first Monday of June in each year, advertise for proposals to convey prisoners against whom judgment may be given by the recorder, and who have not satisfied the same, to the workhouse, on every day on which there shall be a session of the police court, each proposal to state the price for which the bidder is willing to convey all such prisoners from the calaboose to the workhouse, per month.

When proposals shall be opened.

SEC. 2. On the first Monday in June, of each year, said proposals shall be opened in the presence of the mayor, recorder, and comptroller, and the contract for conveying the prisoners shall be awarded by them to the lowest and best bidder, for the period of one year, and until a new contract shall be entered into.

Condition of bids.

SEC. 3. Each bid shall be accompanied with a statement, signed by the persons offered by the bidders as securities, in the event of acceptance of the bid; and the contractor shall give bond to the city in the sum of one thousand dollars, with at least two sufficient securities, approved by the mayor, for the faithful performance of the contract, and the safe delivery at the workhouse of all prisoners delivered to him by the city marshal.

Marshal to deliver prisoners to contractor.

SEC. 4. The city marshal shall, each day, after a session of the police court, deliver to such contractor each prisoner in his

custody, together with the executions and a true copy of the same; and said contractor shall deliver such prisoners, together with a true copy of the execution, to the superintendent of the workhouse, taking his receipt therefor, to be endorsed upon the execution, which said execution he shall return to the city marshal.

Approved, September 15, 1864.

(No. 5340.)

## PRINTING.

### AN ORDINANCE IN RELATION TO CITY PRINTING.

|                                                                   |   |   |                                                                       |   |   |
|-------------------------------------------------------------------|---|---|-----------------------------------------------------------------------|---|---|
| <i>Advertisements</i> for city, proposals for publishing.....     | 2 | 1 | <i>Printing</i> (city), comptroller to advertise for bids for.....    | 2 | 1 |
| <i>Bids for city printing</i> , comptroller to advertise for..... | 1 |   | contracts for, how awarded.....                                       | 3 | 4 |
| how opened.....                                                   | 3 |   | contractors to give bond for...                                       |   | 4 |
| to be submitted to common council.....                            | 4 |   | <i>Proceedings of board of health</i> , proposals for publishing..... |   | 1 |
| <i>Comptroller</i> , to advertise for bids for city printing..... | 1 |   | when to be published.....                                             |   | 2 |
| duty of concerning bids.....                                      | 3 | 4 | <i>Proceedings of common council</i> , proposals for publishing.....  |   | 1 |
| <i>Contracts</i> for city printing, how awarded.....              | 3 | 4 | when to be published.....                                             |   | 2 |
| <i>Job-printing</i> , how advertised for.....                     | 1 |   | <i>Proposals for city printing</i> , how advertised for.....          |   | 1 |
| how contracts for awarded.....                                    | 3 | 4 | form of.....                                                          |   | 2 |
| <i>Ordinances</i> , proposals for publishing.....                 | 1 |   | how opened.....                                                       |   | 3 |
| when to be published.....                                         | 2 |   | duties of comptroller concerning.....                                 | 3 | 4 |

*Be it ordained by the Common Council of the City of St. Louis:*

SECTION 1. It shall be the duty of the comptroller, at least ten days before the first stated session of the common council in each year, to invite, by advertisement in the papers doing the city printing, and such others as he may deem proper, proposals for publishing the proceedings of the board of common council and the board of health, the ordinances of the city, and all advertisements for or on account of the city; also, to invite in like manner proposals for all job-printing required by the city. The foregoing invitations to be extended to papers printed in both the English and German languages.

Contractor to deliver prisoners to superintendent of workhouse.

Comptroller to advertise for proposals for city printing.



Form of proposals.

SEC. 2. Said proposals shall be submitted in writing, and sealed, and shall state clearly the uniform price per square of sixteen lines of nonpareil type for which the proposer will print the same; and the parties or papers to whom may, as hereinafter provided, be awarded the contracts for the general printing of the proceedings, et cetera, shall cause the proceedings of the common council and board of health to be published within forty-eight hours after the manuscript shall have been furnished them by the clerks of the respective boards; and the ordinances of the city shall be published in said papers within five days from the date of approval of the same.

To whom contracts shall be awarded.

SEC. 3.\* The comptroller, on the day specified hereafter, shall, in the presence of the mayor or president of the board of common council, open said bids, and shall, with the consent of said common council, award the contract for printing the proceedings, ordinances, advertisements, and other publications of official character, in two newspapers published in the English language, to the lowest and best bidders; and also to the lowest and best bidder from one paper published in the German language; and shall also award the contract for job-printing to the lowest bidder; but when the bids for either shall be for the same amount, thus embarrassing an award, he shall transmit such bids to the common council for their action.

Awards to be approved by council.

SEC. 4. All awards made by the comptroller, under the provisions of this ordinance, shall be by him submitted to the common council for their approval; and, on such approval, the comptroller shall require of such contractor or contractors a bond, with sufficient security, in such sum as he shall deem sufficient, conditioned for the faithful performance of such contract; and, in case of refusal by the common council to approve the award, as provided in the preceding section, the comptroller, on being officially notified thereof, shall again advertise, as before provided, for new bids.

Contractor to give bond.

Bids being refused, comptroller to advertise anew.

SEC. 5. Immediately after the approval of this ordinance, the comptroller shall proceed to advertise, for [ten] days, for proposals to do the city printing for the residue of the present year, ending third Monday in May next, the same to be let as required by

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\* This section was ordained in lieu of the original third section, by ordinance No. 5575, approved April 18, 1865.

section third of this ordinance, and, in all other respects, except as to time of letting, in accordance with the provisions of this ordinance.

SEC. 6. All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed.

Approved, June 25, 1864.

( No. 5411. )

## PUBLIC CARRIERS.

### AN ORDINANCE IN RELATION TO PUBLIC CARRIERS.

|                                                                          |                                                                                  |
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| <i>Baggage-wagons</i> , regulations concerning .....I, 1                 | <i>Coal</i> , vehicles transporting, free from tax.....I, 9                      |
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| rates of fare for.....I, 11                                              | <i>Comptroller</i> , street-railroad companies to file acceptance with.....VI, 3 |
| to have name of owner on.....I, 24                                       | register to report delinquency of railroad companies to...VI, 4                  |
| <i>Bond</i> , to be given before issue of license for vehicles.....I, 7  | to cause suit to be brought for delinquency.....VI, 4                            |
| of inspector of vehicles.....I, 19                                       | <i>Crosswalks</i> , railroad companies to pay part of cost of.....V, 4           |
| of public porters.....VII, 1                                             | <i>Culverts</i> , railroad companies to keep in repair.....V, 3                  |
| <i>Bread</i> , vehicles transporting, free of tax.....I, 9               | <i>Damages</i> , city not liable in, to railroad companies.....V, 6              |
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| to have registered number on...I, 4                                      | to have registered number on...I, 4                                              |
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| to have lamps at night.....I, 14                                         | to have name of owner on.....I, 24                                               |
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| to have name of owner on.....I, 24                                       |                                                                                  |
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## PUBLIC CARRIERS.

|                                                                                                                            |                                                                    |
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|                                             |   |                                          |    |
|---------------------------------------------|---|------------------------------------------|----|
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*Be it ordained by the Common Council of the City of St. Louis.*

## ARTICLE I.

### *Rates of License, and other Regulations for Vehicles.*

Vehicles for hire, not to be kept without license.

SECTION 1. No person shall, in this city, without complying with the provisions of this ordinance, hire out, or keep for hire or use, or cause to be used for hire, in the transportation of persons or property from one part of the city to another, or from places within the city to places without, or from places without the city to places within, any hackney carriage, omnibus, dray, cart, wagon, or other vehicle.

Tax on omnibusses.

SEC. 2. That there shall be levied an annual tax upon all two-horse omnibusses running in any of the regular omnibus lines of the city, twenty-five dollars; upon all two-horse railroad omnibusses, twenty dollars; upon all four-horse railroad omnibusses, thirty dollars; upon all hotel omnibusses, coaches, and wagons, fifteen dollars; upon all wagons used and owned by public carriers, four dollars; upon all wagons used to draw grain and flour to and from the levee, ten dollars; upon all drays, ten dollars; baggage-wagons used for public use as common carriers, ten dollars; upon all furniture-cars used for public use, eight dollars; upon all cars (carts), two dollars; upon all carriages kept for hire in livery stables, five dollars; upon all buggies kept for hire in livery stables, two dollars. The register, however, may issue a semi-annual license, if required by the applicant, according to the above rates.

Hotel vehicles.

Wagons.

Drays.

Baggage - wagons.

Furniture-cars.

Carts.

Carriages.

Buggies.

Owners paying license, relieved from other tax.

SEC. 3. The owners of any vehicles mentioned in the foregoing section, paying the annual tax therein provided for, shall be released from all other taxes on the same to the city of St. Louis during the period for which said tax is paid.

Registered number to be kept on vehicles.

SEC. 4. There shall be placed, and kept conspicuously to view, on every dray, wagon, baggage-wagon, furniture-car, cart, hack-

ney carriage, omnibus, cab, or cabriolet, that occupies a stand, the registered number of such vehicle; such number shall be in plain, distinct, and legible figures, each figure to be not less than two inches in length, and one inch and a half in width, painted in oil colors, and placed on each vehicle in the following manner: On drays and carts, the number shall be painted on metallic plates, and placed on the outer side of each shaft, three inches in front of the body or bed of the cart or dray; on wagons, the number shall be painted on metallic plates, and placed on the hind axle, and, where a body is used on such wagon, said number shall also be placed on the outer side thereof; on furniture-cars, the number shall be painted on metallic plates, and placed on each outer side of the body; on hackney carriages, cabs, or cabriolets, that occupy stands, the number shall be painted on the outer glass of the lamps; and on omnibusses, the number shall be placed on some conspicuous place on the outside of the body thereof, in Arabic numerals, not less than three inches square, so that it can be easily read from the sidewalk.

Regulations concerning numbers

SEC. 5. To such vehicles as are required to have their numbers on metallic plates, the register shall furnish the plates at cost, and the figures shall be cast upon the plates and raised, so as to be easily distinguished.

Register to furnish metallic plates.

SEC. 6. It shall be the duty of the city register, upon receiving the annual tax of any vehicle mentioned in the preceding sections, to register the same and give the party applying for the license the number to be put thereon; and if such number be so placed upon said vehicle, and bond be entered into, as hereinafter required, within three days after registry of said vehicle, the register shall, upon being paid a fee of fifty cents, deliver to the party applying a license to use said vehicle for one year from the date of the payment to the register; otherwise, the money so paid shall be forfeited.

Register to furnish number.

Fee for number forfeited, if number is not used.

SEC. 7. The party applying for a license shall, before the same shall be issued, enter into bond to the city, with sufficient security, to be approved by the register, in a sum not less than two hundred dollars (unless the said license be for a dray), conditioned for the safe delivery of all property delivered to him, or his servant or agent, to be conveyed, and for payment

Bond for license.

Conditions of license.

of all damage which may accrue to any person by his negligence, or that of his servants, agents, or employees, in and about the use and management of the vehicle licensed. The party applying for a license for a dray shall enter into a like bond, in the sum of three hundred dollars; and the said bonds may be sued upon, in the name of the city, by any person injured by a breach of the conditions thereof.

Owners to make affidavit.

SEC. 8. Every keeper, owner, proprietor, or occupant of a livery stable shall state annually, under oath, to the city register, how many vehicles of every description, upon which a tax or license is required to be paid, are owned, used, or kept by him for hire, and shall pay on each the tax required by the second section of this article; and the city register may examine every such applicant, on oath, touching the number of such vehicles owned by him during the year next preceding the date of making such statement; and if it shall appear to the register that the applicant has, during said year, owned, used, or kept for hire as aforesaid, a greater number of such vehicles than the number upon which he shall have paid the tax required by this ordinance, he shall pay for every such extra vehicle such tax as the city register shall consider reasonable and just.

Duty of register on finding affidavit false.

Certain vehicles free of license.

SEC. 9. No tax shall be levied on owners of wagons or other vehicles exclusively engaged in hauling into the city wood, coal, bread, milk, or marketry, for sale; but this ordinance shall not be construed to exempt owners of vehicles from taxation who reside out of the corporate limits of the city and who use such vehicles within the city limits for hire.

Rates of fare for cabs.

SEC. 10. For the use of any hackney carriage, cab, or cabriolet, licensed as aforesaid, the owner shall be entitled to charge, demand, and receive the following compensation, and no more:

*First*—For conveying one or more passengers a distance of not exceeding one mile, one dollar.

*Second*—All public hackney carriages, cabs, or cabriolets, shall be entitled to charge and collect two dollars for the first hour, and one dollar and a half for each additional hour.

*Third*—The owner or driver of any omnibus licensed to run to the several railroad depots, hauling passengers to and from said railroad depots within the city limits, shall be entitled to

demand and receive no more than twenty-five cents for each passenger, and shall convey such passenger to any part of the city he or they may require.

SEC. 11. The owner or driver of any dray or baggage-wagon shall be entitled to demand and receive for ten blocks, forty cents; for any distance over ten blocks shall be according to agreement. If there is no agreement, the charge shall be in the same proportion that ten blocks is [are] to forty cents.

Rates of fare for baggage-wagons.

SEC. 12. The owner or driver of any licensed furniture car or wagon shall be entitled to charge, demand, and receive, for putting a load upon his car or wagon, transporting the same, and putting the same off, seventy-five cents for the whole.

Rates of fare for furniture-cars.

SEC. 13. The owner or driver of any hackney carriage, or other vehicle used for the transportation of persons for hire, shall keep on the inside of each carriage or vehicle, hung up in a conspicuous and prominent manner, so as to be easily seen and read, a printed copy of the rates of fare established by the tenth section of this ordinance. Said copy shall be printed in black ink, on thick, white card paper, not less than ten inches square, and the type used for printing said rates shall be Roman type, not less in size than that known as double primer; and passengers or other persons employing such carriage, or other vehicle, shall have the right to examine such copy before paying their fare. Said cards to be furnished by the register, the applicant paying the cost of the card. The driver, or person having the immediate use and charge of any hackney carriage, cab, or cabriolet, that occupies a stand, shall have placed on his hat or cap, conspicuous to view, a badge or belt, with the word "public" exposed to view, in distinct and legible characters.

Card of rates of fare to be kept in vehicles.

Regulations concerning cards.

Register to furnish cards.

Badge to be worn by drivers.

SEC. 14. Every hackney carriage, cab, or cabriolet, when driven in the night, shall have fixed on some conspicuous [part] of the outer side thereof two lighted lamps, with plain glass fronts and sides, on which shall be painted, in dark and legible figures, at least two inches long, the registry number thereof. All omnibusses, when driven in the night, shall have lighted lamps or candles inside thereof, with the number of said omnibus in front of said lamp or light.

Lighted lamps to be kept on vehicles.

Lamps to have registered number on.

SEC. 15. Every cart or vehicle used to transport dirt, manure, mud, ashes, lime, garbage, swill, offal, or other loose material,

Regulations for conveying certain articles.



Penalty for violating regulations.

in any of the streets of this city, shall be fitted with a good and substantial light box thereon, the sides of which shall be twenty-four inches and the tail-board eighteen inches high, so that no portion of such dirt, manure, or other loose material, be scattered or thrown into the street; and all carts or other vehicles used for hauling ashes, garbage, swill, or other offensive matter, shall have the box thereon closely covered with sufficient covering of cloth or boards, closely fitted, so as to prevent the escape or flying about of any of the contents or effluvia therefrom. Every person using any cart or other vehicle for the purpose herein named, without complying with the provisions of this section, shall be subject to a fine of not less than three nor more than twenty dollars.

Penalty for certain offenses.

SEC. 16. Any owner of a hackney carriage, omnibus, or other vehicle mentioned in this ordinance, who shall fail to pay the annual tax thereon; and any owner or driver of a hackney carriage or omnibus who, when required, shall fail, neglect, or refuse to carry any passenger or his baggage; and any drayman and furniture carman who, when required, shall fail, neglect, or refuse to convey any article, unless such owner, driver, drayman, or carman should be, at the time, actually otherwise employed; any person who shall fail to keep the number of his vehicle constantly upon the same, and in a plain and legible condition; and any such person who shall ask, demand, and receive, for conveying persons or property, more than the sums allowed by this ordinance, or shall, in any other manner, violate or fail to comply with any of the provisions of this ordinance a penalty for which is not herein expressly fixed, shall be deemed guilty of a misdemeanor, and shall forfeit and pay not less than five nor more than one hundred dollars.

What vehicles deemed to be hired.

SEC. 17. All vehicles used for the transportation of property, which property does not belong to the owners of the vehicles so used, shall be deemed to be hired out, and shall be subject to license accordingly, and the owners or possessors of the property may be examined, under oath, by the inspector, touching the ownership of such property and vehicle; and they shall also appear before the register, when cited by him, and he may examine them, under oath, touching the ownership of such property and vehicles.

Powers of inspector and register to examine owners.

SEC. 18. The mayor shall appoint an inspector of vehicles, whose duty it shall be to arrest the owners or drivers of all vehicles running without a license, or without having the registered number thereon, provided they are subject to license or registration; and all drivers of vehicles shall be subject to the penalties mentioned in said ordinance as though they were the owners of the vehicles, unless they shall give such information as will lead to the arrest and conviction of the owners for the offense charged upon them. The inspector shall also have power to arrest all persons who shall have violated any of the provisions of the ordinance relating to vehicles.

Inspector of vehicles to be appointed; duties of inspector

Drivers liable on refusing to disclose owners.

Power of inspector to arrest offenders.

SEC. 19. The person so employed shall receive fifty cents for each person reported by him to the recorder for a violation of this ordinance, when the fine imposed on such person, if any, shall be collected in cash and paid into the city treasury by the city marshal, as in other cases. He shall give bond, to be approved of by the mayor, in the sum of five hundred dollars, conditioned for the faithful performance of his duties; and for his services he shall be paid a salary of eight hundred dollars per annum, payable monthly, and hold his office for one year.

Compensation of inspector.

His bond.

SEC. 20. No person shall, in this city, drive the animals used in drawing any licensed vehicle of any kind, engaged in the transportation of persons or property for hire (omnibusses alone excepted), without first having obtained a license under, and otherwise complying with, the provisions of this ordinance, other than the person in whose name such vehicle is licensed; and any person so offending shall, for each offense, forfeit and pay to the city a fine of not less than five nor more than fifty dollars, to be sued for, recovered, and collected, as other fines and penalties.

Animals not to be used without license.

Penalty.

SEC. 21. The city register is hereby authorized and directed to issue a license to any person of good moral character, to drive any such licensed vehicle, without any charge other than his fee for issuing the same, which said license shall authorize the person therein named to drive the vehicle or vehicles therein named and specified for the period of one year; but no such license shall be transferable without the consent of the register, endorsed in writing thereon, specifying the name of the person to whom transferred; and no person other than the one so licensed shall be allowed to act under said license.

License to drive licensed vehicle.

License not transferable.

Driver, to wear badge.

SEC. 22. The license so issued shall correspond in number with the licensed vehicle or vehicles authorized thereby to be driven; and the person so licensed as driver, as also the person in whose name any such vehicle shall or may be licensed, shall procure a leather or metallic badge, upon which shall be painted or engraved, in conspicuous figures, the number of the vehicle such person is then engaged in driving, which badge shall be worn at all times, when engaged in driving such vehicle or in endeavoring to procure persons or property for transportation, in a conspicuous place, upon their hat or cap, so as to be easily seen by all persons transacting business with them; and no person not so licensed, either as owner of such vehicle or as such driver, shall wear such badge or number.

No party not licensed to wear badge

Preceding section not to apply to certain parties.

SEC. 23. The provisions of the preceding section, except so much thereof as relates to the numbering of the license, shall not apply to the owners or drivers of hackney carriages or furniture cars, except the owners or persons having charge of any hackney carriage, cab, or cabriolet, occupying any stand upon the levee or at any railroad station in the city, or that are used specially to convey passengers to or from said railroads or levee.

Sprinkling-carts to have name of owners on.

SEC. 24. It shall be the duty of the owner or owners of every cart or vehicle used in sprinkling streets in the city, or in hauling water for other purposes, to cause the name [or names] of such owner or owners to be prominently placed on such cart or vehicle, in large and distinct figures; such number on each as the register of water-rates shall direct. The owner or owners of any carts or vehicles that are now, or hereafter may be, licensed by the city of St. Louis, shall place in some conspicuous position on their carts or vehicles, in addition to the number provided for by ordinance, their name or names, painted in prominent letters, not less than one and one-half inches in size; and for every cart or vehicle so used, without the name and number as aforesaid, the owner or owners thereof shall forfeit and pay to the city a fine of not less than twenty nor more than one hundred dollars for each such cart or vehicle; the same to be recovered as in case of other violations of the city ordinances.

Other vehicles to have name of owner on.

Penalty

## ARTICLE II.

*Stands for Vehicles.*

SECTION 1. It shall be the duty of the street inspectors in their respective districts to select and designate suitable and convenient places, and parts of streets and avenues, as stands for coal-wagons, wood-carts, furniture-cars, hackney carriages, cabs, cabriolets, and other vehicles, which usually occupy parts of the public streets and avenues by their own owners, temporarily, for the purpose of making sales or seeking employment.

Street inspectors to designate stands for vehicles.

SEC. 2. The selection and designation of stands, required to be made in the preceding section, shall be made in writing, on or before the first day of January in each year, and be submitted to the mayor for his approval; and, if such selections and designation shall be approved by the mayor, a copy thereof shall be filed in the office of the city engineer; and any changes that the street inspectors may find it necessary to make in their respective districts, with a view to public convenience, shall, in like manner, be submitted to the mayor; and, if approved, a copy shall be filed in the office of the engineer.

Proceedings in designating stands.

Changes to be submitted to mayor.

SEC. 3. It shall be the duty of the street inspectors, each for his own district, to publish, twice each year, by at least fifty handbills posted in conspicuous and most public places throughout their respective districts, a list or brief description of the streets, parts of streets, or places selected and designated as stands for the purposes specified in the preceding sections of this ordinance.

Places of stands to be published.

SEC. 4. No stand for any coal-wagon, cart, or other vehicle used for the carrying of coal, or for any wood-cart, shall be selected on any street, lane, or avenue of this city east of Sixth street and between Franklin avenue and Elm street; nor on any street east of Broadway and between Cherry street and Biddle street; nor on Broadway, between Franklin avenue and Biddle street; nor on any street, lane, or avenue east of Fourth street, between Elm street and Plum street; nor on Second street, between Spruce street and Wood street; nor shall any stand be selected for furniture-cars, hackney carriages, cabs, or cabriolets, on any street, lane, or avenue east of Fourth street, between Elm street and Franklin avenue.

Directions concerning stands for vehicles.



Owners of vehicles to occupy stands designated.

No other place to be occupied as stand.

Penalty.

Coal may be sold in street or at scales.

Stands for vehicles carrying feed.

SEC. 5. It shall be the duty of all owners, drivers, or other persons in charge of any wood-cart, coal-wagon, cart, or other vehicle used for the conveyance of coal, or offering the same for sale in the city, to occupy with their wagons, carts, or other vehicles, the stand or stands which shall be selected and designated by the street inspector in pursuance of this ordinance; and such coal-wagons, carts, or other vehicles, shall not be allowed to stand, nor shall coal be offered for sale or sold from any wagon, cart, or other vehicle, in any street, lane, or avenue, except such as shall be designated as aforesaid; nor shall any furniture-car, hackney carriage, cab, or cabriolet, occupy any part of any street, lane, or avenue, as stands, except the places selected and designated for that purpose; and every owner of any such wagon, cart, or other vehicle, or his agent, driver, or person in his employ, or the owner, agent, driver, or person in charge of any furniture car, hackney carriage, cab, or cabriolet, within the purview hereof, who shall violate any of the provisions of this ordinance or any of the rules and regulations made in pursuance thereof, shall be liable and subjected to a fine of not less than five dollars and not exceeding fifteen dollars for each and every offense, to be sued for and recovered before the city recorder, as in other cases of breach of city ordinance: *Provided*, that nothing in this ordinance shall be so construed as to prevent the selling of any coal while at the weigh-scales, or while passing to or from any of the stands which may be selected in pursuance hereof.

SEC. 6. So much of Broadway as lies between the north side of Bates street and the south side of Mullanphy street is hereby set apart and established as the only stand for vehicles used in carrying long feed for horses and cattle, to-wit: hay, straw, fodder, and similar articles; that part of Twelfth street lying between Market and Chesnut streets, and between Olive street and Washington avenue, is hereby set apart and established as a stand for said vehicles; that part of Fifth street lying between Hickory street and Park avenue is hereby set apart and established as the only stand for said vehicles in the southern part of the city; and that part of Broadway lying between Howard and West Brooklyn streets is hereby set apart and established as the only stand for said vehicles in the northern part of the city. All persons bringing such long feed in vehicles to this city for sale

are required to occupy one of said stands, under penalty of not less than five nor more than ten dollars. Penalty.

SEC. 7. A space of at least forty feet front, and along the curbstone, shall be reserved on Fourth street and on Market street, opposite the entrance on said streets to the court-house, which shall not be occupied by any of the vehicles enumerated in the ordinance to which this is amendatory; nor shall said space be obstructed in any manner whatever; and it is hereby made the special duty of the street inspector of the ward in which the court-house is situated to see that this section is enforced; and any person violating the same shall be fined five dollars for every such offense. Certain space not to be occupied by vehicles. Street inspector to enforce this section. Penalty.

### ARTICLE III.

#### *Transfer-Wagons.*

SECTION 1. There shall be levied an annual tax upon all wagons (usually termed "transfer-wagons") used for the transportation of merchandise or property from the railroads terminating in or near the city to places within the city, or from places within the city to said railroads — on all two-horse wagons, fifteen dollars; on all four-horse wagons, twenty dollars. Tax for transfer wagons.

SEC. 2. The owner or owners of said transfer-wagons shall state annually, under oath, before the city register, what number of wagons are kept by them. Owners to make affidavit.

SEC. 3. Any owner, driver, or person in charge of any vehicles mentioned in the first section of this article, which shall be used in the transportation of property without a license first being obtained therefor, shall be subject to a fine of not less than five nor more than one hundred dollars. Penalty for using transfer-wagon without license.

### ARTICLE IV.

#### *Regulations and Penalties.*

SECTION 1. Every owner, driver, or other person, having charge of any hackney carriage, cab, cabriolet, baggage-wagon, or other vehicle, who shall extort, exact, charge, demand, or receive as compensation any sum for the use or hire of any such vehicle exceeding the compensation allowed by ordinance, Penalty for charging excessive fare.

shall, on conviction thereof, be adjudged guilty of a misdemeanor, and fined not exceeding one hundred dollars nor less than twenty-five; and, in addition thereto, the license of such vehicle, in whosoever name the same may have been granted, shall be declared forfeited to the use of the city.

Party convicted  
not entitled to  
new license.

SEC. 2. Any owner, driver, or other person, convicted of a violation of the first section of this article, shall not be again entitled to obtain a new license for any vehicle mentioned in this ordinance, of which he may be the owner or driver, or of which he may have control, for the term of five years from the date of such conviction.

Duty of clerk of  
police court to  
report certain  
conviction.

SEC. 3. It shall be the duty of the clerk of the police court, upon any person being convicted of a violation of the provisions of this article, to make a written return within two days thereafter to the city register, giving the date and the name of the person so convicted; also, the number of the vehicle of which he may be the owner or driver; and thereupon it shall be the duty of the city register to enter the same in a book, to be by him kept for that purpose, which book shall be open at all times to public inspection, on application; and upon any person or persons applying for a license for any hackney carriage, cab, cabriolet, baggage-wagon, or other vehicle, it shall be the duty of the city register, before issuing a license to such person or persons, to examine such person or persons under oath; and if it be found, on such examination, that such person or persons was, at any time within five years before making such application, convicted of violating any of the provisions of this ordinance, the register shall refuse to issue a license to such person or persons.

Duty of register  
after such con-  
viction.

Parties applying  
for license to be  
examined.

SEC. 4. Any officer whose duty it shall be to enforce the provisions of this ordinance, and who shall willfully connive, refuse, or fail to perform the same, shall, on conviction, be adjudged guilty of a misdemeanor, and fined not exceeding one hundred dollars and not less than fifty dollars.

Penalty against  
officers failing to  
carry out this or-  
dinance.

## ARTICLE V.

### *Concerning Street Passenger Railways.*

Who subject to  
this article.

SECTION 1. Every person, corporation, company, or copartnership, engaged in the business of transporting passengers from any one point to any other point within this city, for hire, on street

railways, shall be subject to all the conditions, stipulations, and restrictions of this article.

SEC. 2. The following rules and regulations concerning the running of street-railway cars shall be binding upon every person, corporation, company, or copartnership, taking out license under the provisions of this ordinance:

Regulations for running street cars.

*First*—No cars, when not in actual use for passenger travel, shall be kept standing on any street or other public thoroughfare.

No cars permitted to stand on street.

*Second*—No car shall be drawn at a greater speed than six miles an hour.

Speed of cars.

*Third*—While any car is turning the corners from one street to another, the horses or mules shall not be driven faster than a walk.

Speed in turning.

*Fourth*—Cars driven in the same direction shall not approach each other within a distance of three hundred feet, except in case of accident, or when it may be necessary to connect two cars together, or at stations; and, upon the approach of any car to a distance of fifty feet or less from any vehicle, the conductor or driver of such car shall notify the driver or person in charge of said vehicle to vacate the track; and if, after a sufficient time has elapsed to enable the driver or person in charge of said vehicle aforesaid to comply with such notification, he fails to do so, it shall be the duty of the conductor of said car to forthwith ascertain the cause of such detention; and, if the delay shall be the result of any accident to said vehicle or horses attached thereto, the conductor as aforesaid shall render such aid as may be necessary for the removal of the cause of such detention; but in no event shall this ordinance, or any part thereof, be so construed as to sanction or allow a willful or wanton collision with any private vehicle on the track of any such railway lines; and any person, corporation, company, or copartnership, so offending, shall be liable to a penalty of not less than twenty-five dollars, to be recovered by suit against such offending party, in the name of the city, anything in section fifth of this ordinance [article] to the contrary notwithstanding.

Cars not to approach within certain distance.

Car approaching vehicle to give notice.

Duty of conductor, if vehicle fails to leave track.

Penalty for violation of this section.

*Fifth*—No car shall be allowed to stop on a crosswalk, nor in front of any intersecting street, except to avoid collision or to prevent danger to persons in the street. This section shall not

Cars not to stop on crosswalks.



be so construed as to prevent any car from stopping upon any switch that may be at the intersection of streets.

Where cars to stop.

*Sixth*—When any car shall be required to stop at the intersection of streets to receive or leave passengers, it shall be stopped so as to leave the rear platform partly over the crossing.

Duty of conductors and drivers of cars to watch.

*Seventh*—The conductor and driver of each car shall keep a vigilant watch for all vehicles, and persons on foot, especially children, either on the track, or moving towards it; and, on the first appearance of danger to such vehicles or persons, the car shall be stopped in the shortest time and space possible.

Ladies or children not to leave car while in motion.

*Eighth*—The conductor shall not allow ladies or children to leave or enter the cars while the same are in motion.

Conductor to announce names of streets.

*Ninth*—Conductors shall announce to the passengers the names of the streets, or the place where the cars connect with or intersect any railway track.

Cars to be provided with signal lights.

*Tenth*—The cars, after sunset, shall be provided with signal lights.

Cars entitled to track.

*Eleventh*—The cars shall be entitled to the track, and any vehicle upon the track shall turn out when any car comes up, so as to leave the track unobstructed; and the driver of any vehicle refusing to do so, when requested by the driver of any car, shall be liable to a fine of not less than three dollars, to be recovered before the city recorder: *Provided*, that persons moving any articles from or to any vehicle shall be allowed a reasonable and sufficient time to load or unload the same.

Penalty for obstructing cars.

Proceedings to secure repair of tracks.

SEC. 3. Whenever any part of the street between the rails of the track of any street railroad in the city, or within a space of two feet outside of the rails, or any culvert constructed by said company, shall, in the opinion of the city engineer, be out of repair or in bad condition, the city engineer, with the sanction of the mayor, shall notify the president and superintendent of the respective railroad company forthwith to cause the same to be repaired and put in good condition; and if such company shall fail or refuse to obey such notice, then the city engineer shall cause the necessary work to be done, and he shall certify the cost thereof, which shall be paid by the company; and, for refusing to pay any bill so certified, the respective company shall be prosecuted before the recorder, and, on conviction, shall be fined the amount of such bill, together with twenty per centum added

Penalty for refusing to repair track

thereto, not exceeding, however, five hundred dollars in any one case.

SEC. 4. Whenever any crosswalk shall be constructed by authority of any ordinance or order of the city across any street upon which any railroad track is located, the city engineer shall notify the railroad company whose track is so located on such street to lay so much of the crosswalk as may be between the rails and two feet outside of the rails; and, on the refusal of the company to do said work, the city engineer shall proceed to have the same done, and the cost thereof certified and collected in the manner set forth in the preceding section.

Proceeding to secure payment for crosswalks.

SEC. 5. Any person, corporation, company, or copartnership, violating any of the provisions of the foregoing sections, shall be subject to a penalty of ten dollars for each and every such violation, to be recovered by suit against any such offending party in the name of the city.

Penalty for violating the foregoing sections.

SEC. 6. The city of St. Louis shall not be held liable to any railway company, or individuals, for any damage resulting from the breaking of any sewer, or any water or gas pipes, or from any delay in the transportation of persons that may be caused thereby, or from delays or damages caused by fires or otherwise; but any such railway company or individuals shall be liable for any loss or injury that any person may sustain by reason of any carelessness, neglect, or misconduct of their servants or agents, in the management, construction, or use of their track or cars.

City not liable for certain damages.

Companies liable for certain damages.

SEC. 7. No privilege or authority hereby granted shall be so construed as in any manner to interfere with the operations of the fire department of the city. But in all instances, in case of fire, the use of the streets where railroad tracks are laid shall be subservient to the necessities of the fire department.

Privileges of street railroads not to interfere with fire department.

Use of streets reserved to fire department.

SEC. 8. Vehicles driving in the direction of the cars upon any street railway shall be entitled to the track used by the cars running in that direction.

Certain vehicles entitled to track.

SEC. 9. No vehicle driving in a contrary direction shall use such track, except for the purpose of crossing or avoiding other vehicles that may be in the way; and any driver violating the provisions of this section shall be liable, on conviction thereof, to pay a fine of not less than three dollars.

Penalty for using track without authority.

Cars entitled to track in preference to vehicles.

SEC. 10. Nothing contained in the preceding two sections shall be construed as in any manner interfering with the rights of the passenger cars upon such track, or as entitling any vehicle to any track in preference to any such car, without regard to the direction.

ARTICLE VI.

*Tax on Street-Railroad Cars.*

Tax of certain railroad companies.

SECTION 1. The St. Louis railroad company, the Missouri railroad company, the Citizens' railway company, and the People's railway company, hereafter, in addition to the tax required to be paid by State revenue law, shall each, for and during the term of five years from the approval of this ordinance, pay to the city of St. Louis an annual license of twenty-five dollars for each car regularly run over the respective roads of said companies; and, as a further consideration of the privileges granted, said companies shall prepare and keep on hand for sale, and shall sell to any citizen applying during business hours, passenger tickets in packages of twenty-five for one dollar, and also children's tickets, for the use of children not exceeding twelve years of age, in packages of forty for one dollar, and shall continue to keep and sell tickets at the rate named during said term of five years.

Price of tickets fixed.

Officers of company to make oath.

SEC. 2. The president or superintendent of said respective companies shall return, under oath, the number of cars run regularly each day during the year, and these shall be added together and divided by the number of days in the year, and the number thus given shall be charged with the license above provided for, and the amount thus ascertained shall be paid by said company.

Tax to be for number of cars run.

Acceptance of company to be filed.

SEC. 3. This ordinance shall not take effect as to any of the companies herein named unless such company shall file with the city comptroller the acceptance of the company, which acceptance shall state that, in consideration of the provisions of this ordinance, said company agrees to pay the annual license of twenty-five dollars for each car regularly run on their road, to be ascertained as hereinbefore provided for, and during said term of five years; that said company will, during said term of five years, keep on hand for sale, and sell to any citizen, during business hours, passenger tickets in packages of twenty-five for one dollar,

Conditions of acceptance.

and children's tickets, for the use of children not exceeding twelve years of age, packages of forty for one dollar; which acceptance, when filed, shall constitute a contract between the city and said company for and during said term of five years.

SEC. 4. In case any of the companies mentioned in the first section of this ordinance [article] shall fail or refuse to pay the license provided for in said section ten days after the time provided for in the second section of this ordinance, [article], then every such company shall be subject to an annual license of one hundred dollars for each and every car owned and used by them; and it shall be the duty of the city register, upon the failure of every such company to pay the license herein last specified within ten days after notice from the register that the same is due and payable, to report the names of the delinquents, and the amount due by them respectively, to the city comptroller, who shall thereupon forthwith cause suit to be brought, or other proper steps to be taken, to recover the same; and any failure of said companies to pay the license last specified shall amount to a forfeiture of this contract.

Penalty for failing to pay license.

Duty of register on failure to pay license.

Comptroller to cause suit to be brought.

SEC. 5. This ordinance [article] shall not affect the provisions of the several ordinances requiring said companies to repair and pave that portion of the streets occupied by them, including two feet outside of the track.

This ordinance not to affect certain provisions.

## ARTICLE VII.

### *Public Porters.*

SECTION 1. Any person designing to exercise the business of a public porter shall make proof to the mayor that he is a man of good moral character and sober habits, and, upon obtaining the certificate of the mayor that such proof has been made to him, shall pay to the city register the sum of five dollars, and execute to the city a bond, with sufficient security, to be approved by the register, in the sum of two hundred dollars, conditioned for the faithful performance of his duties, and the delivery of all property and things intrusted to him to be transported, and the payment of all damages which may accrue to any person by his negligence in the discharge of his duties, or his failure or refusal to perform them; and the city register shall deliver to him a

Proceedings to obtain license as public porter.



license to act as a public porter for one year, and designate the number which he shall use in his said business.

Porters to wear badges.

SEC. 2. Every licensed public porter shall wear a badge, in a conspicuous place about his person, on which shall be printed his name and the number given him by the register as aforesaid.

Rate of fare for portage.

SEC. 3. Every licensed public porter shall be entitled to receive for conveying a load on a wheelbarrow, handbarrow, or handcart, any distance not exceeding six blocks, twenty cents; any distance more than six blocks, at the rate of twenty cents for six blocks.

Penalty for violating provisions of this article.

SEC. 4. Any public porter who shall fail, neglect, or refuse, when required to transport any article, unless such porter shall be at the time actually otherwise employed, or who shall fail to wear the badge provided for in the second section of this ordinance [article], shall be liable to a fine of not less than one nor more than twenty dollars.

Penalty for using hand-barrow or badge unlicensed.

SEC. 5. No public porter shall suffer or permit any other person than himself to carry any article in his wheel or handbarrow, or handcart, or to wear his badge, under penalty of a fine of not less than one nor more than twenty dollars.

Approved, August 18, 1864.

[No. 5428.]

REGISTER.

AN ORDINANCE IN RELATION TO THE CITY REGISTER.

|                                                                           |   |   |                                                                       |    |   |
|---------------------------------------------------------------------------|---|---|-----------------------------------------------------------------------|----|---|
| <i>Accounts</i> , register to render to auditor, when.....                | 2 | 9 | <i>Blank licenses</i> , to keep register of                           | 2  | 4 |
| <i>Attorney</i> (city), register to furnish records and documents to..... | 1 |   | <i>Books</i> , register to procure for certain officers.....          | 7  |   |
| <i>Auditor</i> , register to deliver certain receipts to.....             | 6 |   | expenses for, how paid .....                                          | 8  |   |
| to draw requisitions on for certain expenses.....                         | 8 |   | <i>Bonds</i> , register to record.....                                | 12 |   |
| register to render accounts to, when .....                                | 9 |   | <i>Certificates</i> , blank ( <i>see blank certificates</i> ).        |    |   |
| <i>Blank certificates</i> , register to furnish to certain officers.....  | 5 |   | <i>City officers</i> , register to furnish stationery, etc., for..... | 7  |   |
| to keep register of.....                                                  | 5 |   | <i>Collectors</i> , register to furnish blanks to.....                | 4  |   |
| <i>Blank licenses</i> , register to procure, attest, etc.....             | 4 |   | <i>Commissions</i> , register to prepare and attest.....              | 3  |   |
|                                                                           |   |   | to keep register of.....                                              | 3  |   |
|                                                                           |   |   | <i>Common council</i> , register to furnish stationery, etc., for.... | 7  |   |

|                                             |     |                                           |      |
|---------------------------------------------|-----|-------------------------------------------|------|
| <i>Common seal (see seal).</i>              |     | <i>Official acts of mayor, documents,</i> |      |
| <i>Contingent fund, certain expenses</i>    |     | <i>register to keep register of...</i>    | 2 3  |
| <i>chargeable to.....</i>                   | 2 8 | <i>Ordinances, register to have cus-</i>  |      |
| <i>Counselor (city), register to fur-</i>   |     | <i>tody of original rolls of.....</i>     | 1    |
| <i>nish records and documents</i>           |     | <i>register to cause to be pub-</i>       |      |
| <i>to.....</i>                              | 1   | <i>lished, etc.....</i>                   | 10   |
| <i>Documents, certain, register to</i>      |     | <i>register to keep record of titles</i>  |      |
| <i>have custody of.....</i>                 | 1   | <i>of.....</i>                            | 11   |
| <i>certain, register to seal and</i>        |     | <i>Papers, certain, register to have</i>  |      |
| <i>certify.....</i>                         | 1   | <i>custody of.....</i>                    | 1    |
| <i>official, register to prepare</i>        |     | <i>certain, register to authenti-</i>     |      |
| <i>and authenticate.....</i>                | 3   | <i>cate.....</i>                          | 1    |
| <i>official, register to keep regis-</i>    |     | <i>Public record, register to have</i>    |      |
| <i>ter of.....</i>                          | 3   | <i>custody of.....</i>                    | 1    |
| <i>Expenses for stationery, fuel, etc.,</i> |     | <i>Public instruments, register to</i>    |      |
| <i>for city officers, how paid....</i>      | 8   | <i>authenticate .....</i>                 | 1    |
| <i>Fuel, register to furnish for cer-</i>   |     | <i>Record, public, register to have</i>   |      |
| <i>tain officers.....</i>                   | 7   | <i>custody of.....</i>                    | 1    |
| <i>expenses of, how paid.....</i>           | 8   | <i>register to furnish to counselor</i>   |      |
| <i>Furniture, register to furnish for</i>   |     | <i>or attorney.....</i>                   | 1    |
| <i>certain officers.....</i>                | 7   | <i>of titles of ordinances, register</i>  |      |
| <i>expenses for, how paid.....</i>          | 8   | <i>to keep.....</i>                       | 11   |
| <i>Harbor-master, register to fur-</i>      |     | <i>Register (city), powers and du-</i>    |      |
| <i>nish blank certificates to.....</i>      | 5   | <i>ties of.....</i>                       | 1-12 |
| <i>Instruments, public, register to</i>     |     | <i>Resolutions, register to have cus-</i> |      |
| <i>authenticate.....</i>                    | 1   | <i>tody of.....</i>                       | 2    |
| <i>Licenses, blank (see blank li-</i>       |     | <i>Seal (city), register to have cus-</i> |      |
| <i>ceses).</i>                              |     | <i>tody of.....</i>                       | 1    |
| <i>Lumber-measurers, register to</i>        |     | <i>to affix to public instruments</i>     |      |
| <i>furnish blank certificates to</i>        |     | <i>description of.....</i>                | 2    |
| <i>Mayor, official acts of, register</i>    |     | <i>to be accompanied by attesta-</i>      |      |
| <i>to authenticate.....</i>                 | 1   | <i>tion of register.....</i>              | 2    |
| <i>register to furnish stationery,</i>      |     | <i>Stationery, register to procure</i>    |      |
| <i>fuel, etc., for.....</i>                 | 7   | <i>for certain officers.....</i>          | 7    |
| <i>register to pay postage for....</i>      | 7   | <i>expenses for, how paid.....</i>        | 8    |
| <i>Official acts of mayor, register to</i>  |     | <i>Weighers of hay and stone-coal,</i>    |      |
| <i>authenticate.....</i>                    | 1   | <i>register to furnish blanks</i>         |      |
| <i>documents, register to pre-</i>          |     | <i>to.....</i>                            | 5    |
| <i>pare and attest.....</i>                 | 3   |                                           |      |

*Be it ordained by the Common Council of the City of St. Louis :*

SECTION 1. The city register shall have the custody of the city seal, the public record, the original rolls of ordinances and joint resolutions of the city council, and such other papers, records, and documents as may be delivered into his custody. He shall affix the city seal to all public instruments or official acts of the mayor which, by law or ordinance, are required to be attested by the city seal, and countersign the same; and shall affix the seal to and certify any documents, copies, or papers in his office, required for individual use, or by any officer of the city, and shall furnish to the city counselor or city attorney any record or document in his office which either may call for, to be used in any court, taking a receipt therefor.

Duties of regis-  
ter.

Common seal of city.

SEC. 2. The common seal of the city of St. Louis shall be of a circular shape, one and one-half inch in diameter, with a device engraved thereon of a steamboat carrying the flag of the United States, surrounded by a scroll, inscribed with the words "The common seal of the city of St. Louis," in Roman capitals, engraved upon the face thereof. No impression of said seal to any contract or other writing shall have validity or binding obligation upon the city unless such impression be accompanied by the attestation and signature of the city register, and then only in cases authorized by law and the ordinances of the city.

Register to prepare commissions

SEC. 3. The register shall prepare all commissions and other official documents which the mayor is required to issue, and shall countersign and affix the city seal to the same, and shall keep a register of all such commissions and documents, in which the substance thereof shall be noted.

To affix seal to licenses.

SEC. 4. The register shall procure, sign, and affix the city seal to blank licenses, for all purposes for which a license is required to be issued; except water license, and shall, from time to time, in cases where blank licenses are to be delivered to collectors, deliver any number of the same required by a collector, of which he shall keep a register, stating the number issued, the amount thereof, for what issued, and to whom delivered, and shall take duplicate receipts therefor from the officer to whom the same are delivered.

To furnish blank certificates.

SEC. 5. The register shall, from time to time, furnish the weighers of hay and stone-coal, the harbor-master, and lumber-measurers, with blank certificates, to be issued by them, which shall be signed and numbered by him, and registered by numbers in a book kept for that purpose, and for which he shall take duplicate receipts.

To deliver duplicate certificates to auditor.

SEC. 6. One of the duplicate receipts required in the two preceding sections shall immediately be delivered by the register to the auditor, to be charged to the officer giving the same.

To furnish stationery to city officers.

SEC. 7. The register shall procure stationery, books, fuel, furniture, and other articles necessary for his own office, for the mayor's office, for the common council, and for the offices of all other city officers whose offices are kept in the city hall; and shall furnish all city officers with such books as are required by ordinance to be kept by them, and keep an accurate account

of the same, and to whom delivered; and shall pay the postage, or other necessary expenses, upon any official document received or sent by him, the mayor, or by any other city officer.

SEC. 8. For expenses incurred under the next preceding section the register shall draw his requisition upon the auditor, who shall draw his warrant on the treasurer for the amount, payable out of the appropriation for contingent expenses. To draw on acct-  
ito rfor sta-  
tionery.

SEC. 9. The register shall, on the first day of January, April, July, and October, render his accounts with the proper vouchers to the auditor, who shall settle and adjust the same. To account to  
auditor.

SEC. 10. The register shall cause the ordinances of the city to be published as required by the charter, and shall superintend the printing thereof, and examine the proof-sheets and compare them with the original rolls. To cause ordi-  
nances to be pub-  
lished.

SEC. 11. The register shall keep, in a book provided for that purpose, a record of the bills of all ordinances and joint resolutions passed by the common council; of the time when the same were passed, and where and when the same were published. To keep record  
of ordinances.

SEC. 12. The register shall record the official bonds of all city officers, and all other bonds executed to the city and placed in his office, in a book to be kept for that purpose. To record official  
bonds.

Approved, September 3, 1864.

( No. 5453. )

## REVENUE.

### AN ORDINANCE REGULATING THE LEVYING AND COLLECTION OF THE CITY REVENUE.

|                                                                                                  |                                                                                       |
|--------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| <i>Abstract of transfers of real property, president of board of assessors to procure.....V,</i> | <i>Administration of city government, auditor to keep separate accounts of.....I,</i> |
| <i>Account, with treasurer and city officers, auditor to keep...I,</i>                           | <i>Affidavit, to correct erroneous assessment.....V,</i>                              |
| <i>Account-books of city, auditor to keep.....I, 2, 3</i>                                        | <i>on pawnbroker's license...X,</i>                                                   |
| <i>comptroller to prescribe mode of.....II,</i>                                                  | <i>Amusements for gain, license to be procured for.....XIV,</i>                       |
| <i>Accounts, auditor to adjust and certify.....I,</i>                                            | <i>Appeals, court of (see court of appeals).</i>                                      |
| <i>approved, comptroller to keep register of.....II,</i>                                         | <i>from assessment, how madeV,</i>                                                    |
|                                                                                                  | <i>Assessment of property regulated .....V.</i>                                       |



|                                                                                 |        |                                                                                                   |    |
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| erroneous, how to be corrected, V, 17, 18, 23, 24, 25, 26                       |        | who declared keeper of.....IX, 2                                                                  | 3  |
| <i>Assessment lists, auditor to deliver to board of assessors</i> V, 4          | 4      | licenses for.....IX, 2                                                                            | 3  |
| how made.....V, 5, 6                                                            | 5, 6   | <i>Billiard-tables, license to be procured for</i> .....XIV, 1                                    | 1  |
| <i>Assessors, how appointed</i> .....V, 1                                       | 1      | who declared keeper of.....XIV, 6                                                                 | 6  |
| qualifications of.....V, 1                                                      | 1      | licenses for.....XIV, 6                                                                           | 6  |
| when to enter on discharge of duties.....V, 2                                   | 2      | penalty for keeping without license.....XIV, 6                                                    | 6  |
| president to allot districts toV, 7                                             | 7      | <i>Board of assessors, comptroller to prescribe books to be kept by</i> .....II, 8                | 8  |
| responsible for correct assessment.....V, 7                                     | 7      | provisions concerning.....V, 1                                                                    | 1  |
| duties and powers of.V, 5, 6, 7, 9, 10, 11, 12, 13, 14, 20                      | 20     | how constituted.....V, 1                                                                          | 1  |
| term of office of.....V, 27                                                     | 27     | duties of.....V, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 20                                        | 20 |
| to assess certain propertyVIII, 5                                               | 5      | <i>Bond of collectors</i> .....VII, 2                                                             | 2  |
| <i>Auctioneers, provisions concerning</i> .....XII, 1                           | 1      | pawbrokers.....X, 3                                                                               | 3  |
| who declared.....XII, 1                                                         | 1      | auctioneers.....XII, 3                                                                            | 3  |
| to procure license.....XII, 2                                                   | 2      | horse-auctioneers.....XII, 8                                                                      | 8  |
| license for.....XII, 3                                                          | 3      | <i>Bonds (city), how to be signed</i> .....II, 5                                                  | 5  |
| to give bond.....XII, 3                                                         | 3      | comptroller responsible for proceeds of.....II, 5                                                 | 5  |
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| <i>Auditor, provisions concerning</i> I, 7                                      | 7      | <i>Book-keeper, comptroller to appoint</i> .....II, 12                                            | 12 |
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| term of office of.....I, 12                                                     | 12     | <i>Buildings, how to be assessed</i> .....V, 9                                                    | 9  |
| duty of comptroller in absence of.....I, 15                                     | 15     | <i>Buggies, who may keep market for sale of</i> .....XII, 5                                       | 5  |
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| to make statement of revenue of previous year.....IV, 5                         | 5      | <i>Checks for city money, how drawn</i> .....III, 3                                               | 3  |
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| president of board of assessors to return lists to.....V, 18                    | 18     | <i>Claims against city, auditor to adjust and certify</i> .....I, 3                               | 3  |
| tax-lists to be delivered to.....V, 20                                          | 20     | to be allowed within certain time.....I, 6                                                        | 6  |
| statements of stock of merchants to be delivered to.....XIII, 4                 | 4      | <i>Clerk of assessors, president of board may employ</i> .....V, 28                               | 28 |
| <i>Auditor's clerk, how appointed</i> .....I, 13                                | 13     | <i>Collection of taxes regulated</i> VII, 15                                                      | 15 |
| duties of.....I, 13, 14                                                         | 13, 14 | <i>Collectors of revenue, provisions concerning</i> .....VII, 1                                   | 1  |
| <i>Bagatelle-tables, license to be procured for</i> .....XIV, 1                 | 1      | how appointed.....VII, 1                                                                          | 1  |
| who declared keeper of.....XIV, 8                                               | 8      | qualifications of.....VII, 1                                                                      | 1  |
| <i>Bank-checks for city money, how drawn</i> .....III, 3                        | 3      | bonds of.....VII, 2                                                                               | 2  |
| <i>Bank of the State of Missouri, treasurer to deposit money in</i> .....III, 2 | 2      | duties of.....V, 26; VII, 3, 4, 5, 6, 7; IX, 5, 11, 13, 14, 15; XI, 2; XII, 3, 6; XIII, 3, 7, 11. |    |
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|                                                                                           |  |                                                                                       |  |
|-------------------------------------------------------------------------------------------|--|---------------------------------------------------------------------------------------|--|
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| <i>Committee on ways and means, to employ special tax attorney.....VIII, 1</i>            |  | <i>Deputy comptroller, how appointed.....II, 12</i>                                   |  |
| <i>Common council, auditor to furnish information to.....I, 11</i>                        |  | <i>duties of.....II, 12</i>                                                           |  |
| <i>auditor to permit members of to examine books, etc.,...I, 11</i>                       |  | <i>comptroller liable for acts of.....II, 12</i>                                      |  |
| <i>comptroller to report to, when.....II, 11</i>                                          |  | <i>Discount on money, what account to be charged to.....IV, 4</i>                     |  |
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| <i>to select collectors for certain duties .....I, 3</i>                                  |  | <i>Dram-shops, provisions concerning.....IX, 12</i>                                   |  |
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| <i>Improvements, how to be as-</i>        |    | for merchandise or real-estate         |    |
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| <i>Income of fiscal year, comptrol-</i>   |    | for money brokers.....XIV,             | 10 |
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*Be it ordained by the Common Council of the City of St. Louis.*

# ARTICLE I.

## *Treasury Department—Auditor.*

SECTION 1. The treasury department of the city government shall consist of the auditor, comptroller, treasurer, one tax collector for each ward of the city, and the delinquent tax collector. Treasury department, how composed.

SEC. 2. The city auditor shall be the general accountant for the city, and shall receive and preserve in his office all city account-books, and all vouchers, documents, and papers relating to the accounts and contracts of the city, its revenue, debt, and fiscal affairs, whether between the city and any officer thereof or between the city and any person or body corporate, except where said books, vouchers, or documents are, by ordinance, placed in the custody of some other officer or person. Auditor to be general accountant of city.

SEC. 3. It shall be the duty of the city auditor, in addition to the duties prescribed by the city charter: Duties of auditor.

*First*—To examine, audit, and adjust all accounts, claims, and demands, for or against the city, for the payment of which any money may be drawn out of the city treasury; and, after having examined the same, with all accompanying vouchers and documents, to certify the balance or true state of such claims or demands, except where some other officer is charged with such duty. To examine and certify accounts.

*Second*—To keep a day-book, journal, and ledger, or other proper books, in which the accounts of the city shall be kept by double entry. The city shall be represented in said books by the term “City Revenue,” and all moneys coming into the treasury shall be carried to the debit of the city revenue, specifying the objects from which said revenue is derived; and the city revenue shall be credited with all appropriations, specifying on what account the appropriation is made. To keep account books.

*Third*—To keep in proper books the accounts between the city and city treasurer, charging him with all the moneys received Manner of keeping accounts.

To keep account between city and treasurer.

into the treasury, specifying the objects from which said moneys have been derived, and crediting him with all warrants drawn.

To keep account between city and officers.

*Fourth*—To keep in proper books the accounts between the city and all officers, persons, or bodies corporate, who may have the collection of any money for the city, charging each with the amount which may be in his hands for collection, or with blank licenses or certificates issued to him, and crediting him with all payments made into the city treasury.

To keep detailed statement of revenue.

*Fifth*—To keep in such books a detailed and specific statement of the condition of the city revenue, entering every fund which by law or ordinance is made a separate fund, crediting each fund with all receipts into the treasury on account thereof, and charging it with all appropriations thereof and warrants drawn thereon.

To keep register of warrants drawn.

*Sixth*—To keep a register of all warrants drawn on the treasury, specifying the date, number, and amount, the name of the person to whom and out of what fund payable.

To keep account of debts due.

*Seventh*—To keep an account of all debts due to or from the city, and a bill-book, into which he shall enter all bonds, notes, bills, and other obligations given by or payable to the city, with the person by or to whom, and the time when principal and interest are payable, and the rate of interest; and all accounts, notes, bonds, or claims against persons for purchases of land in the common, or for rent due on land therein, shall be entered as other claims and accounts on the books of the auditor, and the collection thereof shall be accounted for as other claims are; but the comptroller may select whichever of the city collectors he deems proper to collect such claims, accounts, notes, or bonds.

Comptroller may select collector.

Certain accounts to be kept separate.

SEC. 4. The auditor shall keep a separate account of the revenue applicable to the following objects, namely: Interest on the city debt, waterworks, lighting the city, the wharf, harbor improvements, sewers, city hall and market-house, and the general administration of the city government.

Auditor may administer oaths.

SEC. 5. The auditor may administer oaths or affirmations to parties and witnesses in any case in which he may deem it necessary for the due examination of any accounts or claims presented to him to be audited.

Certain claims not to be allowed.

SEC. 6. No claim against the city which is not founded on a bond or other writing executed by the city shall be audited

and settled, which has not been presented within one year from the time said claim became due.

SEC. 7. The auditor shall not draw a warrant on the treasurer in favor of any person indebted to the city, or the assignee of such person, except for the balance which may appear to be due to such persons over and above the debt due the city; or in favor of any officer who is in arrear or in default to the city.

No warrant to be drawn for certain persons.

SEC. 8. The auditor shall draw his warrant on the city treasurer for any money found to be due and owing by the city, and for which there is an appropriation, specifying the fund or appropriation out of which such warrant is to be paid.

What warrants he may draw.

SEC. 9. The preceding section shall not be held to authorize any warrant to be issued unless there be actually in the treasury money to pay the same.

Warrants not issued, unless money in treasury.

SEC. 10. Whenever, upon the adjustment of any account, a sum of money shall be found by the auditor to be due to the city from any city officer, and the same shall not be paid into the city treasury within ten days after the adjustment of the account, and the treasurer's receipt therefor delivered to the auditor, that officer shall add to the sum due the commission, if any, to which the delinquent is entitled, which shall be forfeited to the city; and the auditor shall certify the amount due to the comptroller, who shall order suit to be commenced against the delinquent, or take such other measures as in his judgment will most effectually secure the city from loss.

Proceedings on failure of officers to pay money into treasury.

Auditor to certify amount due.

Comptroller to bring suit against delinquent.

SEC. 11. The auditor, whenever required, shall furnish the mayor or common council, or committee of the council, copies or abstracts of any books, accounts, records, vouchers, or documents in his office, or any information in relation to any thing pertaining to his office or to the revenue of the city; and he shall at all times permit the mayor, any member of the common council, the comptroller, or any other city officer interested, to examine any books, papers, or documents in his office.

Auditor to furnish certain information.

SEC. 12. The official term of the auditor shall commence on the second Monday in April in each year.

Official term of auditor.

SEC. 13. There shall be appointed by the mayor, with the approval of the common council, a clerk of the auditor, who shall perform such duties in the auditor's office, connected with the duties thereof, as the auditor may direct.

Auditor's clerk to be appointed.



Style of clerk.

SEC. 14. The person so appointed shall be styled the "auditor's clerk."

Duty of comptroller during vacancy in auditor's office.

SEC. 15. In case of a vacancy in the office of the auditor, or of his absence from the city, or sickness, or other inability to perform his duties, the comptroller shall audit and settle all accounts or claims against the city, and the auditor's clerk shall sign, in the place of the auditor, all warrants on the treasury.

Auditor to pay over moneys each month

SEC. 16. The auditor is hereby required, at the end of each month, to pay over to the treasurer, and take his receipt therefor, all moneys that may remain unpaid on any pay-roll appertaining in any way to his office.

Treasurer to keep pay-roll account.

SEC. 17. The treasurer shall keep a pay-roll account, which shall show proper dates, persons, objects, and amounts; and he shall credit said account with all moneys paid over by the auditor, as provided for in section sixteenth, and shall, on demand, pay such persons as may appear entitled thereto their proper sum, take their receipt for the same, and charge the amount to said pay-roll account.

## ARTICLE II.

### *Comptroller.*

Office of comptroller.

Duty of comptroller to supervise city officers.

SECTION 1. There shall be a comptroller, whose duty it shall be to exercise a general supervision over all the city officers regarding the proper discharge of their official duties; over the collection and return into the city treasury of the revenue of the city, of whatever description; over the city debts and all other fiscal concerns of the city; over any property of the city; over all legal and other proceedings in which the city's interest is involved or in any manner concerned.

Over city debt

Over city property.

Over legal proceedings.

To prescribe manner of keeping books.

SEC. 2. He shall describe the form and manner in which all accounts and account-books of the several city officers shall be kept; and he shall examine the books of said officers as often as he shall think proper, and see that they are properly and neatly kept; and said books shall be at all times subject to the inspection of the comptroller.

To require reports to be made.

SEC. 3. He shall require of all officers in receipt of city's money, or those holding office under the city, to submit semi-annual reports in detail of the business of their office, and he

shall lay the same before the common council on the first day of each regular session thereof; and he may require reports to be made from any city officer, as often as he shall see fit to require it, by any regulation which he may adopt; and if any such officer shall refuse or neglect to make an adjustment of his accounts when required, and to pay over such moneys so received, it shall then be the duty of said comptroller to issue a notice in writing to such officer and his securities to make a settlement of his accounts with the auditor, and to pay over the balance of moneys found to be due and in his hands belonging to the city; and in case of refusal or neglect of such officer to adjust his accounts, or pay over said balance to the treasurer, it shall then be the duty of the comptroller to report the delinquency of such officer to the mayor, who shall at once suspend him from office, and report to the common council the act. The comptroller shall then institute suit against such delinquent and his securities, to recover all the money due to the city.

SEC. 4. He shall examine all accounts against the city settled by said auditor, and countersign all warrants on the treasurer drawn by said auditor, in case of approval of said accounts. He shall be empowered to administer oaths to parties or witnesses in any case in which he may deem it necessary for the due examination of such accounts. He shall also keep a register of all accounts approved as aforesaid.

SEC. 5. He shall sign, with the mayor and treasurer, and receive for safe keeping and sale, all bonds issued by the city. He shall be responsible for the proceeds of said bonds when sold, until placed to the credit of the treasurer.

SEC. 6. He shall keep in his office a correct account of all public improvements ordered by the council and under contract, copies of which shall be furnished him by the several departments authorized to make contracts; said books shall show the estimate, how much there is paid on it, the dates when paid, and, when every separate contract is finished, the name of the contractor and description of such contract.

SEC. 7. The comptroller is especially charged with the preservation of the credit and faith of the city in relation to its public debts, and all other obligations on the part of the city; and he is therefore authorized, whenever it becomes necessary, with the

To institute  
suit against de-  
linquent.

To examine ac-  
counts.

May administer  
oaths.

To keep register  
of accounts ap-  
proved.

To sign bond.

Responsible for  
proceeds of  
bonds.

To keep account  
of improve-  
ments.

Charged with  
the credit of  
city.

To draw on and  
itor for money  
to pay debt.

approval of the mayor, to draw his requisition upon the auditor for a warrant on the treasurer for any money which may be needed to pay any part of the principal or the interest of the public debt, and, with the mayor's approval in writing, to do any act herein which may be proper to accomplish the fiscal objects contemplated in regard to the city debt.

To superintend  
a-assessment of  
taxes.

SEC. 8. He shall also superintend the assessment of taxes and prescribe the books and rolls to be used by the board of assessors in the assessment of the valuation of the property for the purpose of taxation, and said books shall at all times be subject to the inspection of the comptroller. He shall, when satisfied that errors have been committed in the assessment or in the bills for taxes, or when property has been omitted to be assessed, make such alterations or additional assessment as he thinks just, giving notice thereof to the auditor, to be credited or charged to the different collectors on the auditor's books.

May make alter-  
ations in assess-  
ment or bills.

To attend to sale  
and renting of  
property.

SEC. 9. He shall also attend to the sale, renting, or any other disposition of any property belonging to the city, and the collection of all notes, rents, and other dues to the city, except when in the hands of the fund commissioner.

To publish state-  
ment of receipts  
and expendi-  
tures.

SEC. 10. The comptroller shall make out an annual statement for publication, in the month of March in each year, giving a full and detailed statement of all receipts and expenditures of money during the year ending the first day of said month. The statement shall also detail the liabilities of the city, the condition of all appropriations and contracts unfulfilled, the balance of money in the treasury and the sums due and outstanding, the names of all persons who have become defaulters to the city and the amount in their hands unaccounted for, and all other things necessary to exhibit the true financial condition of the city.

Contents of  
statement.

To report esti-  
mate of neces-  
sary expenses.

SEC. 11. He shall also, in the month of April in each year, at the first stated session of the common council, submit to the same a report of the estimates necessary, as nearly as may be, to defray the expenses of the city government during the ensuing fiscal year. He shall, in said report, class the different objects of said city expenditures, giving, as nearly as may be, the amount required for each, a statement of all contracts made or directed by the council and not performed or completed, and upon which any money remains unpaid, with the amount so

Contents of re-  
port.

unpaid on each ; and for this purpose he shall require from the city engineer, and other city officers and heads of departments, such information as he shall need to enable him to fulfill the duty imposed upon him by this section. He shall also, in such report, show the aggregate income of the preceding fiscal year from all sources, the amount of all liabilities outstanding, and of bonds, interest, and any other kind of city's debt payable during the year, and when due, so that the common council may fully understand the money exigencies and demands of the city for the ensuing year.

SEC. 12. The mayor shall appoint, with the approval of the board of common council, a deputy comptroller, who shall perform such duties in the comptroller's office connected with the duties thereof as the comptroller may direct, who shall act and sign in his place in case of absence from the city or sickness. The comptroller and his securities shall be responsible for his official acts. He shall also, with the approval of the board of common council, appoint a book-keeper.

Deputy comptroller to be appointed.

Comptroller responsible for deputy

SEC. 13. The city comptroller is hereby authorized to issue bonds of the city of the denomination of five hundred dollars, instead of one thousand dollars as heretofore ordered, whenever, in his opinion, it will be advantageous to the city so to do, any provisions or ordinances to the contrary notwithstanding.

May issue bonds of five hundred dollars.

### ARTICLE III.

#### *Treasurer.*

SECTION 1. There shall be elected a city treasurer, whose duty it shall be :

Office of treasurer.

*First*—To receive and keep all moneys of the city which may come to his hands, and disburse the same upon the warrant of the auditor, legally drawn.

Duty of treasurer to keep and pay out moneys.

*Second*—To keep, in a day-book, journal, and ledger, or other proper books, by double entry, a full and accurate account of all moneys received and disbursed by him in behalf of the city, specifying the time of receipt and disbursement, from whom received and to whom disbursed, and on what account received and disbursed.

To keep account of money received and disbursed.

*Third*—To keep a separate account of each fund or appropriation, and the debts and credits belonging thereto.

To keep account of appropriations.



To keep register of warrants.

*Fourth*—To keep a register of all warrants redeemed or paid into the treasury, describing such warrant by its date, amount, number, and the name of the payee, and specifying the time of the receipt thereof, from whom received, and on what account, and to cancel all such warrants and file the same.

To give receipts for moneys paid.

*Fifth*—To deliver to every person paying money into the city treasury a duplicate receipt therefor, specifying the date of payment, upon what account paid, and whether paid in money, or warrants, or certificates.

To settle monthly with auditor and comptroller.

*Sixth*—To settle at the end of each month with the auditor and comptroller, and ascertain the balance in his hands.

To deposit moneys in State bank.

SEC. 2. Whenever the moneys of the city in the hands, custody, or subject to the order of the treasurer shall exceed the sum of ten thousand dollars, he shall forthwith deposit the surplus in the Bank of the State of Missouri, to the credit of the city of St. Louis.

Manner of drawing money from bank.

SEC. 3. When it becomes necessary to use the moneys, or parts thereof, deposited to the credit of the city, as mentioned in the preceding section, the same shall only be drawn out of the bank on the check of the treasurer, payable to himself as such, approved by the mayor, and countersigned by the register, with the seal of the city thereon.

Auditor and treasurer to report surplus money.

SEC. 4. It shall be the duty of the auditor and treasurer to make each a written report to the mayor whenever there is in the hands of the treasurer a surplus of moneys to be deposited as mentioned in the second section, specifying the amount thereof; and the treasurer shall, when such surplus has been deposited to the credit of the city, report the fact to the mayor and to the auditor in writing.

Not to use public money.

SEC. 5. The treasurer is hereby expressly prohibited from using, either directly or indirectly, the public money or warrants in his custody and keeping, for his own use or benefit; and any violation of the provisions of this section shall subject the treasurer to removal from office forthwith by the mayor.

Penalty.

Treasurer's clerk to be appointed.

Duty of clerk.

SEC. 6. There shall be a treasurer's clerk, who shall be nominated by the common council, upon the recommendation of the treasurer, and confirmed as other city officers, whose duty it shall be to assist the treasurer in keeping the books and accounts

of his office, and who shall hold his office for the same term as the treasurer.

SEC. 7. The treasurer shall be liable for the official acts of the said clerk in the same manner as if performed by himself, and may require from him sufficient bond for the faithful discharge of his duty.

Treasurer liable for clerk.

#### ARTICLE IV.

##### *Miscellaneous Provisions Touching the Treasury Department.*

SECTION 1. All interest coupons of the bonded debt of the city of St. Louis, when not paid at maturity, shall bear interest at the rate of six per centum per annum from their maturity until they are paid.

Interest coupons to bear interest.

SEC. 2. Such coupons, as well as the interest matured upon them, as provided in the next preceding section, shall be received as money in payment of all taxes and dues to the city, except the *ad valorem* tax on real and personal property.

Coupons receivable for taxes.

SEC. 3. All coupons received into the treasury under the foregoing provisions shall be accounted for and disposed of as may be directed by the mayor and comptroller, with the approval of the fund commissioner.

Coupons to be disposed of by mayor.

SEC. 4. All discount on money sold or paid out by the city shall be charged to the interest account.

Discount chargeable to interest account.

SEC. 5. The auditor and treasurer shall, at the opening of each stated session of the common council, furnish that body with a joint statement showing the amount of income derived from the revenue of the preceding fiscal year, the sources from which it was derived, and the appropriations thereof, and to what object appropriated; and also the revenue received during the then fiscal year, how much less has been appropriated, and to what object it has been appropriated; and an estimate of the amount to be received into the treasury during the current fiscal year, from what source to be derived, and to what it may be applied.

Auditor and treasurer to furnish joint statement of income, etc.

SEC. 6. Immediately after the general election in each year the mayor shall select a committee of two members elect of the board of common council, and two citizens not members of said

Mayor to appoint examining committee.

Duty of examining committee.

council, to examine the books, accounts, and vouchers of the auditor, comptroller, and register of water-rents, to see if the same have been properly kept, and to this end may employ a competent and experienced book-keeper or accountant to assist them; to make settlement with that officer to the commencement of the fiscal year, and to witness the delivery of all books, papers, and property in his office to his successor in office.

Committee to report to council.

SEC. 7. Said committee shall report their proceedings to the common council at its first stated or special meetings thereafter, and, if approved by that body, they shall cause the necessary entries to be made in the books of the auditor, comptroller, and register of water-rents to show the condition of his office at the end of the fiscal year, and the delivery of the effects of his office to his successor, which entries shall be attested by the signatures of the committee.

Committee to examine books of treasurer, etc.

SEC. 8. The said committee shall, in like manner, examine the books, papers, accounts, and vouchers of the treasurer, count the money in the treasury and the auditor's warrants and certificates on hand, and compare them with the treasurer's register thereof, and make settlement with that officer to the end of the fiscal year, and also for the time elapsing between that and the time of his going out of office, and report their proceedings to the council as in the preceding section directed; and, if such proceedings and report be approved by that body, the committee shall perform the same service as is required in relation to the auditor, and shall, moreover, destroy, by burning, all auditor's warrants and certificates which they have examined in the treasurer's office and found correct.

To report to council.

To burn warrants.

Expense of committee, how paid.

SEC. 9. The expenses of the officers of this committee shall be paid by the city out of the appropriation for contingent expenses, at an expense not exceeding five hundred dollars.

Receipts by comptroller to be countersigned by register.

Duty of register concerning receipts.

SEC. 10. All receipts given by the comptroller for money received on account of the city, shall, before being delivered to the party paying any such sums of money, be countersigned by the city register, the latter taking a receipt in duplicate from the comptroller setting forth that such money had been paid, and for what purpose it was paid, to said comptroller; the register retaining one of said receipts, and the other he shall deliver to

the city auditor, who shall open an account in his books charging such sums as shown by said receipt to the comptroller.

SEC. 11. All receipts given by the register for money received on account of the city, shall, before being delivered to the party paying any such sums of money, be countersigned by the comptroller, the latter taking a receipt in duplicate from the register setting forth that such money had been paid, and for what purpose it was so paid, to said register; the comptroller retaining one of said receipts, and the other he shall deliver to the city auditor, who shall open an account in his books charging such sums as shown by said receipt to the register.\*

Receipts by register to be countersigned by comptroller.

Duty of comptroller touching receipts.

Duty of auditor concerning receipts.

## ARTICLE V.

### *Board of Assessors—Assessment of Property Regulated.*

SECTION 1. At the first stated session of the common council in each year it shall be the duty of the mayor to appoint, by and with the consent of the board of common council, five competent men as assessors, each of whom shall have resided in the city at least five years next preceding their appointment, and at least one year in the district from which they shall be selected, and they shall be selected as follows: One from the first or second ward; one from the third or fourth ward; one from the fifth or sixth ward; one from the seventh or eighth ward; one from the ninth or tenth ward; and at the first stated session of the common council in each year the mayor shall likewise, by and with the consent of the common council, appoint a competent person as president of the board of city assessors, who shall have been a resident of the city of St. Louis at least five years next preceding his appointment; and the said city assessors, together with such president, shall constitute and be the "board of city assessors."

Five assessors to be appointed.

Qualifications of assessors.

How selected.

President of board of assessors to be appointed; qualifications of president.

Board of assessors, how constituted

SEC. 2. The president of the board shall enter upon the discharge of his duties on the first Monday of September in each year; the other five assessors shall enter upon the discharge of their duties on the first Monday of October.

When assessors to enter on discharge of duties.

\* The tenth and eleventh sections of this article are not in the original ordinance, but form sections one and two of ordinance No. 5572, approved March 23, 1865.



Duties of president.

SEC. 3. The president of the board of assessors shall, on and after the first Monday in October in each year, proceed to prepare and correct the plats of the city ; and shall, immediately after the passage of this ordinance, procure from the recorder of the county of St. Louis an abstract of all transfers of property within the city filed and recorded from the day of the date of the taking and completion of the last city assessment, and enter the same alphabetically in a suitable register to be kept in the assessor's office as a record therein ; the names of the purchaser and vender to be suitably columned, the date of the transfer, the description of the property, the amount of the consideration, with such brief remarks in the last marginal column as in the president's view may be necessary and useful ; he shall change the plats of the city to correspond with such conveyances, and make such other preparations as will enable the board of assessors to proceed to assess the property within the limits of the whole city on and after the first Monday of October following, as hereinafter provided ; he shall also, by advertising in two English and one German newspapers of this city, request all persons who may own or have charge of any real estate in the city to call at his office at the city hall and give a correct description of such property ; he shall also certify to the city auditor the number of abstracts procured from said recorder, as aforesaid, and also the amount of said advertising, to be paid out of the appropriation for contingencies. No assessment shall be made by any assessor of real estate in the city of St. Louis in the name of any person whose name does not appear from the records of the county of St. Louis as the owner of such real estate.

Auditor to deliver assessment lists to president.

Lists to be returned within six months.

SEC. 4. On the first Monday of September in each year the city auditor shall deliver to the president of the board of assessors the entire preceding assessment lists of the city, which lists shall be returned to the auditor within six months.

Duties of board of assessors.

SEC. 5. The board of assessors shall, on the first Monday of October succeeding their appointment, proceed to examine and assess all property within the city subject to taxation at its cash value, the value of real estate to be determined by a majority of the assessors ; and shall make out, in suitable books, one for each ward (two of which books shall be made out by each of the assessors), a list of all such property and of persons chargeable

with a poll-tax, describing in separate columns the property, and, where the same is real estate, giving the quantity, metes, and bounds thereof, and the value of the ground and that of the improvements separately, and shall charge all personal property to the owner, according to the rate where located, with his real estate, if he has any; and, when real estate is leased, the owner thereof shall be authorized to list with the assessors in such proportions as it is leased.

SEC. 6. Said lists shall be arranged by blocks, according to their numerical order on the city map in the city engineer's office, and opposite the name of each person who pays a poll-tax shall be stated the street and number of the house in which such person resides, if the same be numbered, otherwise such designation as will enable the collector readily to find the person; and each list shall be made out in a separate book for each ward, as shall also the census of the city; and the lists shall be so arranged as to distinguish the property and other taxes in the old, new, and new extended limits of the city, separately.

Lists of property, how made out.

SEC. 7. The president of the board of assessors shall, in assessing property, determine as to the portions of the city which the assessors shall attend to in discharging their duties; and each assessor shall be responsible for a correct assessment of the personal property, and also a correct list of the real estate in the two adjoining wards apportioned to him to assess.

Assessors responsible for certain assessment.

SEC. 8. The board of assessors shall, after they have each separately assessed all the personal property as aforesaid, and examined the real estate and listed the same with the owners thereof, proceed jointly to assess all the real estate in the city, the value of which is to be determined on the premises by a majority of the assessors in case of disagreement.

Value of real estate to be assessed by board.

SEC. 9. The value of the improvements, buildings, manufacturing establishments and their machinery, and so forth, shall be fixed and determined by the assessors.

Value of improvements, etc., to be fixed.

SEC. 10. Either of the aforesaid assessors is authorized to demand of every person owning or having charge of any taxable property, as agent, guardian, curator, trustee, or otherwise, a list of such property, with such description as will enable him to list and assess the same; and, if any person refuse to show the assessor, when called on, all such taxable property, then the

Assessors authorized to demand list of property, etc.

Penalty for refusing to list property. assessor shall proceed to assess the same according to his best judgment, and shall add twenty per cent. to said assessment as a penalty for such refusal.

Unknown owners, how to be ascertained. SEC. 11. If either of the assessors find property within the city the owner of which is unknown, he shall apply at the county recorder's office for the requisite information, and take such other measures as may be in his power to obtain the same; failing in which, he shall mark the property as that of an owner unknown.

Assessment of property not assessed formerly. SEC. 12. If any of the assessors shall discover any taxable property which has not been assessed in any previous year, the same shall be assessed for each year in which it was not assessed at the value thereof when the same should have been given in, and the assessor shall note the same upon his books.

President to superintend assessments. SEC. 13. The president of the board of assessors shall exercise a general superintendence and direction over the manner in which the assessment shall be made, and also the making out of the books or lists of property as aforesaid, which shall be made out at his office at the city hall, and each assessor shall devote his whole time to the discharge of his duties until the assessment is finished and returned as hereinafter provided.

Books to be made out at city hall. SEC. 14. Each assessor, when necessary in making the assessment, may employ an interpreter, by and with the written consent of the comptroller, but not otherwise, who shall be sworn faithfully and truly to interpret in all cases where his services may be necessary.

Interpreter may be employed. SEC. 15. It shall be the duty of the board of assessors to make a joint return to the city auditor, on or before the first day of April of each year, of the whole assessment of the property in the city.

Board to make return to auditor. SEC. 16. Upon the receipt of the assessment lists as aforesaid the city auditor shall notify the mayor thereof, who shall thereupon call a meeting of the board of common council to hear and determine all appeals from the assessment, and to correct all errors that may be found in the lists, and to give notice in the papers doing the city printing of the time and place of meeting of said board at least ten days prior to the meeting of the same.

Auditor to notify mayor. SEC. 17. All persons who feel themselves aggrieved by the assessment of their property may appeal to the said board of  
 Mayor to convene council as court of appeals.  
 Parties aggrieved by assessment, may appeal.

common council, sitting as a court of appeals, and every appeal shall be in writing and shall state specifically the grounds of the appeal and the matter or thing complained of; and no other matter shall be considered by the board.

Appeals, what to state.

SEC. 18. The board of common council, sitting as a court of appeals, shall hear and determine all appeals in a summary way, and correct any error that they may discover in the assessment lists, and place upon such lists any assessable property not already listed, and may increase or diminish any assessment, as they see fit.

Court of appeals, how to proceed.

SEC. 19. When the said board of appeals shall have corrected and adjusted the lists, the president thereof shall certify the same and cause them to be delivered to the city auditor.

Lists to be certified by president of court of appeals.

SEC. 20. Upon the receipt of such lists the auditor shall extend the same and enter in an appropriate column the amount of tax due from each person. He shall deliver the books to the respective assessors, who shall immediately make out the tax-bills for their respective districts and deliver the same to the auditor, with the certificate that the bills so made out are a true transcript from the assessor's books; and the auditor shall immediately deliver to each collector all accounts for taxes in his ward and take their respective receipts for the aggregate amount delivered to each, and charge the same to them respectively.

Duties of auditor concerning tax lists.

SEC. 21. Any errors in the extension of such lists which may at any time be discovered may be corrected by the auditor, and new accounts for taxes delivered to the collector either before or after the payment of the erroneous account; as shall also in case of any errors corrected as hereinbefore mentioned.

Errors in extension may be corrected by auditor.

SEC. 22. The president of the board of assessors shall attend the sessions of the court of appeals and furnish all the information he can to the said court relative to the property in any assessment from which there may be an appeal, as well as upon all subjects appertaining to his office or upon which the said court may desire information; and shall, when not otherwise employed, correct the plats of the city in his office connected with the assessments, and, when necessary, make out new ones and mark the subdivisions and the names of the owners of the property thereon. He shall also, when requested by the common council, make out a list of all real estate which may be in arrears

President of assessors to attend court of appeals; duties of president.



to the city for taxes, and, if necessary, ascertain the owners of the property at the time of making out said lists; and do and perform such other duties, not interfering with the stated duties of his office, as the common council may direct.

Comptroller and president to make certain corrections in assessments.

SEC. 23. The city comptroller and president of the board of city assessors, acting jointly, are authorized, and it is hereby made their duty, to correct (after the adjournment of the court of appeals) clerical errors found to exist in the city tax-books, errors in the assessment of personal property, and errors as to quantity in the assessment of real estate; they shall, moreover, cancel all assessments of improvements where no improvements are found to exist; and they shall, in case of assessment of personal property with such real estate as after the date of the assessment may have changed ownership by foreclosure of mortgage or deed of trust, judgment of court, or other compulsory operation of law beyond the control of the party who was owner at the time of the assessment, separate the assessment of the personal from the real estate.

Corrections not to be made, except upon affidavit.

SEC. 24. No assessment of property shall be corrected, canceled, or separated, as provided in the preceding section, unless the party assessed, or his attorney or agent, if the facts are of the personal knowledge of such attorney or agent, shall first file an affidavit with the city comptroller, and produce such other and further testimony as may be required by said comptroller and the president of the board of assessors, detailing all the facts concerning such assessment, and particularly stating the amount and the kinds of personal property for which said party was legally assessable, and whether said personal property was all assessed or not.

Auditor to be notified of corrections made.

SEC. 25. The comptroller and the president of the board of assessors shall notify the city auditor of all corrections and other acts by them made or done under the provisions of this ordinance; and the city auditor shall thereupon, as the case may require, issue new accounts to the collectors or draw his warrant on the city treasurer, payable out of the contingent fund, for the amount of tax erroneously collected: *Provided, always*, that persons who may have failed to file a list of their property, as required by section tenth of the ordinance to which this is amendatory, shall not be entitled to the benefits of any provisions contained

Taxes erroneously paid to be refunded.

Parties failing to list property, not entitled to relief, except upon payment of additional tax.

in this ordinance, except upon the payment by them of an additional tax of twenty per centum upon the property legally assessed against them and included in any tax-bill sought by them to be corrected; and the certificates of the comptroller and the president of the board of assessors to the city auditor, issued under this ordinance, shall be drawn specially with the view to secure the collection of said additional per centage.

SEC. 26. It shall be the duty of the collectors of revenue to report to the president of the board of assessors all changes of ownership in real estate which may come to their knowledge during the time they are collecting the real-estate taxes; whereupon he shall correct the plats of the city connected with the assessment accordingly.

Collectors to report changes of ownership.

SEC. 27. Each assessor shall hold his office for one year, or until his successor is appointed and qualified, or until otherwise provided by the common council, or unless sooner removed by the mayor for inability or non-performance of his duties, as hereinafter stated.

Term of office of assessors.

SEC. 28. The president of the board of assessors is authorized to employ a suitable person to act as clerk of the board; and, whenever an additional clerk or draughtsman is needed in the assessor's office, application therefor shall be made by the president of the board to the mayor and comptroller, who, upon being satisfied of the necessity of the same, shall, by authority in writing, authorize the president to employ such needful clerk or draughtsman. Such authority shall state the time for which such employment shall last,\* and no clerk or draughtsman shall be deemed hired or in the pay of the city until his appointment by the president shall be countersigned by the mayor and comptroller; and the pay-rolls of such clerk or draughtsman shall be made out and certified to by the president, and countersigned by the mayor and comptroller, before the same are audited.

President may employ additional clerk or draughtsman.

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\*The words "and the amount of salary, which shall not exceed eighty-three and thirty-three hundredths dollars per month," contained in the original ordinance, after the words "the time for which such employment shall last," in the twenty-eighth section, article V, are repealed by ordinance No. 5489, approved January 27, 1865.

## ARTICLE VI.

*Taxes.*

Levying of taxes.

SECTION 1. For the support of the city government, payment of the city debt, and interest thereon, and for the improvement of the city, a tax shall be levied annually, to be fixed by ordinance, upon all property made taxable by the laws of the State within the limits of the city, together with a poll-tax upon all free white male persons over twenty-one years of age, and all free colored persons over said age, who shall have resided six months in the city.

## ARTICLE VII.

*Collectors and Collection of Taxes.*

Collectors of revenue to be appointed.

Qualifications of collectors.

Beginning of term of.

Bonds of collectors.

Duties of collectors.

To collect accounts.

To collect license taxes.

SECTION 1. At the second stated session of the board of common council in each year there shall be appointed, by and with the advice and consent of said board, a collector of the city revenue for each ward of the city, who shall be a resident of the ward from which he is appointed, and possess the other qualifications requisite to city officers, and who shall enter upon his duties on the first day of January next succeeding his appointment.

SEC. 2. The official bond of the collectors shall be as follows: Fifth and Sixth wards, fifty thousand dollars each; all others, in the sum of twenty-five thousand dollars, with at least four sufficient securities, to be approved by the mayor.

SEC. 3. It shall be the duty of each collector, within the ward for which he is appointed:

*First*—To collect all accounts for taxes placed in his hands for collection.

*Second*—To receive from the city register and issue and deliver all licenses which are required to be taken out for the prosecution of any business, or for any exhibition or other thing, when the duty of issuing such license is not imposed upon another officer; and to collect the tax upon such license, and to register all such licenses in a suitable book, with the name, business, and residence of the licentiate, and the amount collected thereon, and to make return copy of such register to the city register on every Saturday.

*Third*—To keep in suitable books, to be furnished by the city comptroller upon his entering on the duties of his office, separate and correct accounts of all bills for taxes, of whatsoever kind, under their appropriate heads, as received from any authorized city officer, specifying the amount of each bill separately, and the name or names of the person or persons from whom such amount is due; and, when any such bill shall be collected, the amount and the name of the party paying the same shall be immediately entered opposite the original entry of such bill. At the time of making annual settlement these books shall be delivered to the city comptroller, therein directly setting forth the entire amount of bills received during the year, the amount collected therefrom, deposits made in the city treasury, and the amount of bills returned to the auditor as delinquent and uncollected.

To collect and keep account of tax-bills.

*Fourth*—To pay to the treasurer, on Saturday of each week, all money or auditor's warrants collected by him, taking receipts therefor, one of which shall be filed with the auditor immediately.

To pay over moneys to treasurer every Saturday.

*Fifth*—To require all persons doing any business for which they are required to take out a license, to do so.

To require persons to take out license.

*Sixth*—To report to city attorney and recorder all persons engaged in any business illegally, without license; and

To report parties doing business without license.

*Seventh*—To report to the comptroller, under oath, on the last Saturday of each and every month, the whole amount of money and warrants collected and payments made into the treasury during the month preceding.

To report to comptroller amounts collected.

SEC. 4. Upon the delivery of the accounts for taxes to the collectors by the auditor, the comptroller shall give notice of the fact in the papers employed by the city, and in one or more German papers, for twenty days, embracing in said notice the name of the collector of each ward and the location of his office.

Delivery of tax-bills to be published.

SEC. 5. Whenever any real estate included in one tax-bill is proved to the satisfaction of the comptroller to consist of two or more lots or pieces of ground, owned by two or more different persons or parties, he shall cause to be made out, on application, separate bills for the property of such persons, dividing the amount of the original tax-bill in the same proportion as the property is owned by the said persons; and to receive from each of them, respectively, the amount of such separate bills.

Comptroller may divide tax-bills.



Collectors to  
call on parties  
owing taxes

SEC. 6. The collectors of the several wards shall, within three weeks after the first appearance of said notice, call upon each and every person from whom taxes are due, or their authorized agents, and demand payment of same; and in case such payment be not made before the time for returning such bills to the auditor, they shall make a statement upon every bill unpaid at that time, verified by an oath, setting forth the facts, in each particular case, why said bills could not be collected, whether payment was refused by the persons from whom due or their authorized agents, or if such persons are non-residents and could not be found.

Proceedings, if  
payment be not  
made.

To report delin-  
quent taxes.

SEC. 7. Each collector may, from time to time, report to the city auditor a list of all taxes, other than those upon real estate, which from any cause cannot be collected. Such list shall be accompanied by a statement of the collector, verified by an affidavit, why such taxes are uncollectable, to the best of his knowledge and belief; that he has made diligent effort, and has not been able to collect said taxes; that he does not know of any way in which the same can be made, and believes they can not be made if kept in his hands. The city auditor, in connection with the city comptroller, shall examine such lists, and if, in their opinion, proper efforts have been made for the collection of the taxes specified in such lists, they shall endorse thereon their joint certificate to that effect, and the auditor shall credit the collector making such report with the amount of the taxes specified and collected in any such list.

Duty of auditor  
and comptroller  
touching delin-  
quent taxes.

To return unpaid  
tax-bills.

SEC. 8. On the first Monday of November in each year the collectors shall make out a complete list, in the numerical order of city blocks, of all tax-bills for real estate then in their possession unpaid, and return such lists and all tax-bills named therein to the auditor, who shall allow each credit in his books for the aggregate amount returned by him.

Auditor to  
transfer unpaid  
tax-bills to  
comptroller.

SEC. 9. Upon such return being made, the auditor shall, as soon as he has examined said lists and bills, transfer them to the comptroller, taking his receipt therefor and charging him therewith.

Compensation  
of collectors.

SEC. 10. Each collector shall receive for his services the following compensation: On each sum collected by him from any one person, copartnership, or association, if all the taxes assessed

to and to be collected from such person, copartnership, or association, at any one time do not exceed the sum of one dollar, twenty-five per cent.; if it exceed two dollars, and be less than five dollars, five per cent.; if it exceed five dollars, and be less than ten dollars, three per cent.; if it exceed ten dollars, and be less than twenty dollars, two per cent.; and if it exceed twenty dollars, one and a quarter per cent.: *Provided, however*, that when said collectors shall have collected sufficient taxes to entitle them, respectively, to fifteen hundred dollars commission under the provisions of this section, that then, for all further collection of taxes, they shall be entitled to a fee of one-half of one per cent., but no more.\*

## ARTICLE VIII.

*Delinquent Taxes.*

SECTION 1. The mayor and comptroller, and committee on ways and means, are hereby authorized and directed to employ a special tax attorney, on such terms as they may deem reasonable, to enforce the collection of all delinquent tax-bills or accounts due to the city, now on file in the office of the city register; and it shall be the duty of said attorney to institute legal proceedings forthwith, in conformity with existing laws, for the recovery of such delinquent taxes, in all cases where, in his opinion, suits at law will be availing. Said attorney shall also, when directed by the comptroller, bring suits in the proper courts to obtain possession of such real estate as has been sold for taxes and bought in by the city, provided the time limited by ordinance for the redemption of the same has expired.

Special tax attorney to be employed.

Duty of special tax attorney.

SEC. 2. It shall be the duty of the city register to make out and deliver to said attorney, under the seal of his office, copies of such delinquent tax-bills or accounts on record in his office as may be required of him for collection under the provisions of this ordinance, and to take the receipt of said attorney therefor. The register shall also keep, in a separate book, an account

Register to deliver to tax attorney copies of delinquent tax-bills.

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\* All after the words "but no more," in section ten of article VII of the original ordinance, is repealed by ordinance No. 5489, approved January 17, 1865.

of all bills delivered to said attorney for collection and of all moneys received from him.

Delinquent tax-bills to be delivered to tax attorney.

SEC. 3. All taxes which shall hereafter be returned to the city comptroller as delinquent, shall, on the first day of January, eighteen hundred and sixty-four, and thereafter on the first day of January each and every year, be delivered to the special tax attorney for collection, as provided by an act of the general assembly of the State of Missouri, approved January seventh, eighteen hundred and sixty-three, and entitled "An act in relation to the assessment and collection of taxes in the city of St. Louis, levied for the purpose of the government thereof."

Rate of interest on delinquent taxes.

SEC. 4. All delinquent taxes remaining unpaid after the dates last above mentioned shall bear interest at the rate of one per cent. per month from the time the same were returned to the comptroller as delinquent until the same shall be fully paid; and the parties delinquent shall also pay all costs of any suits that may have been instituted for the collection of such taxes, together with all other lawful charges.

Assessors to assess property not before assessed.

SEC. 5. The city assessors shall at once proceed to assess the taxes on all property upon which the assessment of any former year has not been made, and upon which assessments have been made to the wrong party, or in any other erroneous manner; and all such tax-bills, as soon as made out, shall be delivered to the special tax attorney, and shall be collected in the manner provided for delinquent taxes. All such bills shall bear the same interest as is provided for in this ordinance and the ordinance to which this is supplementary.

Rate of interest on certain tax-bills.

## ARTICLE IX.

### *Taverns, Dram-Shops, and Beer-Houses.*

Liquors not to be sold without license.

SECTION 1. No person or copartnership of persons shall, in this city, directly or indirectly, in person or by another, sell, barter, or deliver, or knowingly permit to be sold, bartered, or delivered, for or on his or their account, any wine or spirituous or fermented liquor, without a license first obtained, according to the provisions of this ordinance, as a dram-shop keeper, tavern keeper, or keeper of a beer-house.

Dram-shop keeper defined.

SEC. 2. A dram-shop keeper, or tavern keeper, is a person permitted by law, being licensed according to the provisions of

this ordinance, to sell intoxicating and fermented liquors in any quantity less than a quart, to be drunk at the place of sale.\*

SEC. 3. A keeper of a beer-house is a person permitted by law, being licensed according to the provisions of this ordinance, to sell fermented liquors in any quantity less than a quart, to be drunk at the place of sale.

Beer-house  
keeper defined.

SEC. 4. No keeper of a beer-house shall barter or give away at his beer-house any wine or spirituous liquor, under any pretense whatever.

Beer-house  
keeper not to  
sell wine or  
liquor.

SEC. 5. On payment to the collector of the ward in which the business is proposed to be carried on of the sum hereinafter required, he shall issue a license to the applicant to keep the kind of establishment applied for, for six months from the date of the license, in the tenement designated in the license.

Collector to is-  
sue licenses for  
six months.

SEC. 6. No person or persons so licensed shall, under such license, keep a tavern or dram-shop at any other place than the place designated: *Provided*, that he or they may remove the carrying on of such business, during the continuance of such license, from the tenement designated therein to any other tenement in the city.

Persons licensed  
to sell only at  
place designated  
in license.

SEC. 7. No license granted under this article† shall be assignable or transferable.

Licenses not  
transferable.

SEC. 8. This article† shall not be construed to apply to the sale, by a person as a merchant, of intoxicating liquors, according to the provisions of the article regulating merchants' licenses.

Not to apply to  
merchants.

SEC. 9. The term "intoxicating liquors," as used in this article†, shall be construed to mean wine and spirituous liquor, and any composition of which wine and spirituous liquor, or either, is a part.

Term "intoxi-  
cating liquors"  
defined.

SEC. 10. For a license as a tavern keeper or dram-shop keeper there shall be paid twenty-five dollars, and for a license to keep a beer-house, ten dollars; and any such license shall authorize the business therein designated to be carried on at one place only.

Amount of li-  
cense of dram-  
shops.

\* The words "to be drunk at the place of sale," are added by ordinance No. 5552, approved March 24, 1865.

† The word "ordinance," in the seventh, eighth, and ninth sections of article IX of this ordinance, is changed to "article" by ordinance No. 5489, approved January 17, 1865.



Collectors to report amount of licenses granted

SEC. 11. It shall be the duty of the collector of the revenue in each ward of the city of St. Louis to report to the city register, on the first Monday of every month, the number of license granted to keep a tavern, dram-shop, or beer-house, and the names of the persons to whom granted, and whether the same was for a tavern, dram-shop, or beer-house, and the name of the street and the number of the house for which the license was granted.

Penalty for violating this article.

SEC. 12. Whoever shall violate any of the provisions of this ordinance shall forfeit and pay to this city, for the first offense, not less than twenty dollars; for the second and each subsequent offense, not less than fifty dollars; and, upon a third conviction, the license of the person so convicted shall be adjudged to be forfeited; and no license to keep a tavern, dram-shop, or beer-house, shall again be granted to the person so convicted.

Duty of collectors to enforce ordinance.

SEC. 13. It shall be the special duty of the collector of each ward of this city to see that the provisions of this ordinance are enforced.

Compensation of collectors.

SEC. 14. That for the collection of all dram-shop and beer-house licenses which shall not be paid within ten days after the time required by law, the city collector shall be allowed a fee of one dollar, to be charged on and collected with the license; and in case any such license shall not be paid within the time above specified, and after demand by the collector, then and in that case it shall be the duty of the collector to report the delinquent to the city recorder; and, in case of conviction, the collector's fee of one dollar, together with usual witness fees for his attendance at the trial, shall be taxed against the defendant and shall be collected as other costs, and, when collected, shall be paid to the collector.

Penalty for failing to pay license in time.

Collector's fees, when due.

SEC. 15. The fee allowed to the collector by this ordinance shall not be considered due until ten days after the license shall have become due or demand has been made therefor by the collectors.

## ARTICLE X.

### *Pawnbrokers.*

Who declared a pawnbroker.

SECTION 1. Any person who loans money on deposit of personal property, or who deals in the purchase of personal

property, on condition of selling the same back again at a stipulated price, or who makes a public display at his place of business of the sign generally used by pawnbrokers to denote their business, to-wit, "three gilt or yellow balls;" or who publicly exhibits a sign of "money to loan on personal property or deposit," is hereby declared to be a pawnbroker.

SEC. 2. No person shall do business as a pawnbroker in the city of St. Louis without having first obtained license therefor. Such license shall conform to those now in use, as provided by ordinance, with a form of affidavit attached thereto, which the applicant shall subscribe and make oath that he will faithfully carry out the provisions of this ordinance.

Pawnbrokers to obtain license.

SEC. 3. Every person to whom a license shall be granted to carry on the business of pawnbroker shall enter into bond to the city of St. Louis, with good and sufficient security, to be approved by the mayor, in the penal sum of one thousand dollars, conditioned for the due observance of all such ordinances as may be passed or in force respecting pawnbrokers at any time during the continuance of such license.

Pawnbrokers to give bond.

Amount of bond.

SEC. 4. Every pawnbroker shall keep a register of all loans, which register shall have the date and names of all persons who have left any description of property on deposit; opposite such name and date shall be written, in a plain hand, a full description of such property, the time when the loan falls due, the amount loaned, and the interest charged. In addition to this he shall give the party negotiating a plain written or printed ticket, having upon it a copy of the entries required by ordinance to be kept in his register. For this ticket he shall not be entitled to make any charge.

Pawnbrokers to keep register of loans.

SEC. 5. The said register shall at all times be open to the inspection of the mayor, chief of police, city attorney, sheriff, marshal, or constable, within and for the county of St. Louis, or any or either of them, or of any person who shall be duly authorized, in writing, for that purpose, by any or either of them, and who shall exhibit such written authority to such pawnbroker.

Register to be open to inspection.

SEC. 6. Every pawnbroker shall pay a license to the city of St. Louis of three hundred dollars per annum.

Amount of license.

Minors to obtain no loans.

SEC. 7. No pawnbroker shall receive, by way of pledge or pawn, any goods, articles, or things whatsoever, from a minor.

No loans to be made during certain hours.

SEC. 8. No pawnbroker shall loan any money on pledges between the hours of eight o'clock P. M. and seven o'clock A. M.

No loans to be made on divided articles.

SEC. 9. No pawnbroker shall make any loan on the separate or divided part or parts of any article.

To file certain statement with register.

SEC. 10. Every pawnbroker doing business under the provisions of this ordinance shall file with the city register his place of business, and shall not be allowed to have more than one place for transacting the business of pawnbroker without having first obtained a license for every such place of business; nor shall it be lawful for any one to act as agent for a pawnbroker at any other place than the stated place of business filed with the city register.

Penalty for violating this article.

SEC. 11. Any pawnbroker who shall neglect, violate, or refuse to comply with any or either of the provisions of this article, shall, on conviction before the recorder, be fined in a sum not less than fifty nor more than five hundred dollars; and, in addition thereto, his license may be forfeited to the use of the city if it be so adjudged by the mayor.

## ARTICLE XI.

### *Intelligence-Offices.*

Who declared keeper of intelligence-office.

SECTION 1. Whoever shall open an office or place in the city for the procurement of situations or employment for the unemployed, or for the procurement of employees for an employer, and shall ask, demand, or receive a compensation for the services thus rendered, shall be deemed and is hereby declared to be a keeper of an intelligence-office.

Keeper of intelligence-office to obtain license.

SEC. 2. It shall not be lawful for any person to exercise within the city the business of keeper of an intelligence-office without a license therefor first had and obtained from the collector of the ward in which the same shall be located, said license to be signed and attested as other licenses issued by the city; and for such license the applicant or person receiving the same shall pay the sum of fifty dollars per annum, for which term said license shall issue, and said sum shall be paid into the city treasury.

Amount of license.

SEC. 3. Any keeper of an intelligence-office violating the provision of the second section of this article, shall, upon conviction thereof before the recorder, forfeit and pay to the city a sum not less than ten nor more than one hundred dollars for each and every day he so violate. Penalty for keeping intelligence-office without license.

SEC. 4. Any keeper of an intelligence-office who shall, by a positive misrepresentation, demand and receive from any applicant any fee, or who shall willfully deceive such applicant, and through such deception receive from him or her any fee, shall be deemed guilty of a misdemeanor, and, upon conviction before the recorder, be subject to a fine of not less than five nor more than fifty dollars for every such offense. Penalty for certain offenses.

## ARTICLE XII.

### *Auctioneers and Horse-Auctioneers.*

SECTION 1. Whoever shall sell or offer to sell any goods, wares, merchandise, or other personal property, or any real estate, or any interest therein, at any store, stand, or other place in the city of St. Louis, at public outcry, whether the same shall be exempt from auction duty or not, for his own gain, or shall advertise or in any other way hold himself out as an auctioneer for public patronage, and shall receive fees as a commission for his services, is hereby declared to be an auctioneer. Who declared an auctioneer.

SEC. 2. No person shall exercise the business or trade of an auctioneer, or sell any property at public auction or outcry, without a license therefor first had and obtained. Auctioneers to procure license.

SEC. 3. Licenses shall be granted by the several collectors in their respective wards to any person applying therefor on the payment of the sum of one hundred and fifty dollars, which license shall continue in force for the period of six months; provided such applicant shall execute a bond, with two or more responsible securities, approved by the collector, in the sum of five hundred dollars, conditioned for the faithful observance of this article: *Provided, however,* that agents or dealers in real estate or stocks, and incorporated companies, shall pay only seventy-five dollars for such license. Amount of license.

SEC. 4. Any person violating any of the foregoing sections shall be subject to a fine of not less than one hundred nor more Bond to be given. Real-estate agents, amount of license of. Penalty for violating foregoing sections.



than five hundred dollars for every offense, to be sued for and recovered as in other cases of breaches of ordinances.

Who may keep horse market.

SEC. 5. Any person or persons complying with the provisions following in this article are authorized to establish and keep a public horse market at any place within the city (not in the streets thereof) for the sale of horses and other live stock, and for buggies and carriages of all descriptions, at public auction.

Amount of license for horse markets.

SEC. 6. Upon the payment of one hundred dollars by any person or persons applying therefor, a license shall be issued, in the manner that other licenses are issued, for the purposes mentioned in section fifth of this article, to such person or persons, for the period of one year.

Live stock not to be sold on streets.

SEC. 7. From and after the passage of this ordinance no horses or other live stock shall be sold upon the streets at public auction.

Bond of horse auctioneer.

SEC. 8. Every person licensed as a horse-auctioneer, as aforesaid shall give bond, with two good securities, in the sum of two thousand dollars, conditioned for the protection of any person intrusting horses or other stock to said auctioneer for sale, and to guard the public against fraud or misrepresentation on the part of said auctioneer.

Penalty.

SEC. 9. Any person found violating any portion of the foregoing section of this article shall be subject to a fine of not less than ten nor more than fifty dollars, and it shall be the duty of the city police and street inspectors to report any such persons.

## ARTICLE XIII.

### *Merchants and Non-Resident Traders.*

Who declared a merchant.

SECTION 1. Whoever shall deal in the selling of any goods, wares, or merchandise, at any store, stand, or place within the city, is declared to be a merchant.

Penalty for selling without license.

SEC. 2. Any person who shall, within the city, sell or offer for sale any goods, wares, or merchandise, without first complying with the provisions of this ordinance, shall forfeit and pay to the city of St. Louis a sum not less than two dollars nor more than five hundred dollars.

SEC. 3. The collectors shall, after the second and before the fourth Monday in April in each year, call upon every merchant within their respective wards for a statement of the actual cash value of all goods, wares, and merchandise kept for sale, which may be in the possession or custody or under the control of such merchant on the second Monday of April aforesaid; which statement shall be in writing, and shall be sworn to by the merchant making it, or by some credible person duly authorized by him, before some judge or justice of the peace, or other officer authorized to administer oaths; and shall be delivered to the collector of the ward, at his office, on or before the first Monday of May following.

Collectors to procure statements of merchants.

SEC. 4. The collectors shall enter, in lists arranged alphabetically, every statement made to them as aforesaid, showing the names, places of business, and amount of goods, wares, and merchandise kept for sale, stated by each merchant; which lists shall be made out for the old and new limits separately, and shall be delivered to the auditor on or before the second Monday of May in each year.

Statements to be entered in books.

SEC. 5. It shall be the duty of the auditor to report without delay to the common council\* the amount reported by each collector within the old and new limits of each ward, separately, the respective amount for each ward, and the aggregate amount for the whole city, and to transmit said lists to the board of common council, sitting as a court of appeals; and said lists shall remain open to the inspection of the public during the sitting of the court of appeals, of which five days' notice shall be given in the papers employed by the city.

Auditor to report to common council.

To transmit lists to court of appeals.

Notice of lists to be published.

SEC. 6. There shall be levied and collected on the value of goods, wares, and merchandise, stated as aforesaid, a tax of one-half of one per centum, annually, which shall be paid to the collectors, by each merchant, on or before the first Monday of August in each year, together with two dollars, which shall be paid every year by each merchant or mercantile firm, in addition to the per centum tax hereinbefore provided for.

Ad valorem tax on merchandise.

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\*The words "each branch of the city council," as contained in the original ordinance, are changed to "the common council" by ordinance No. 5489, approved January 27, 1865.

Auditor to make out merchants' tax-bills.

SEC. 7. It shall be the duty of the auditor, immediately after receiving the lists from the court of appeals, to make out bills for taxes levied and to be collected as aforesaid, and deliver them to the collectors, take their receipts therefor, and charge them with the aggregate amount thereof; which bills shall be in the following form :

Form of tax-bills.

*The City of St. Louis, to all who shall see these presents, greeting :*

Know ye, that A—— B——, having, on the —— day of ——, A. D. 18—, paid C—— D——, collector for the —— ward of the city of St. Louis, the sum of —— dollars, being the tax imposed on him as merchant; therefore, the said A—— B—— is hereby authorized to sell any goods, wares, or merchandise of any description, at any one store, stand, or place of business within the city, for the period of one year, ending on the second Monday of April, 18—.

In testimony whereof, I, E—— F——, auditor of the city of [L. s.] St. Louis, have hereunto set my hand and seal, this —— day of ——, 18—.

(Signed) E—— F——, *Auditor.*

Delivered, this —— day of ——, 18—.

(Signed) C—— D——, *Collector.*

No. ——.  
Dollars, ——.  
—— *Limits.*

Delinquent merchants' tax-bills, how proceeded with.

SEC. 8. All bills for taxes levied in virtue of this article,\* which may remain unpaid on the first Monday of August in each year, shall on that day be returned by the collector to the auditor, who shall place the amounts thereof to the credit of the collectors, and shall deliver them to the comptroller, take his receipt therefor, and charge him with the same; and the comptroller shall report the names and places of residence of all persons delinquent as aforesaid, together with the amount of tax due by each, to the recorder.

To be reported to recorder.

Penalty for failing to pay merchants' tax-bills.

SEC. 9. Every person who shall fail, neglect, or refuse to pay the tax levied under this ordinance, within the time above specified, shall forfeit and pay, in addition to the tax due, a fine of one-half the amount of said tax, to be recovered as other fines are.

Tax for fractional year.

SEC. 10. Any person or copartnership of persons who may establish themselves as merchants within the city after the second

\*The word "ordinance," in the original, is changed to "article" by ordinance No. 5489, approved January 27, 1865.

Monday in April in any year,\* shall pay for the remainder of said fiscal year such part of the tax levied under this article† as shall be in proportion to the unexpired term of such fiscal year.

SEC. 11. If any person or copartnership of persons shall fail, neglect, or refuse to deliver the statement required by this article within the time specified, he shall be deemed guilty of a violation of the second section of this article; and the collector of the ward shall assess the goods, wares, and merchandise of such merchant at double their actual cash value, to be ascertained according to the best information he can obtain.

Amount of merchandise, how ascertained on refusal to make statement.

SEC. 12. The provisions of this article‡ shall not be construed to extend to persons who pay a dram-shop license; nor to authorize any person to sell wines or spirituous liquors, in any quantity, to be drank at his store, stand, warehouse, or other place of business.

This article not to authorize the sale of liquors to be drank at place of sale.

SEC. 13. No person or persons not being a resident or residents of this State shall sell, offer for sale, or expose for sale, within the limits of the city of St. Louis, any goods, wares, or merchandise of any kind whatever, other than agricultural products of this or other States, and articles manufactured in private families within the limits of said city, whether by sample, card, or other specimen, or by written, printed, or trade list, or catalogue, or otherwise, whether such persons be the makers or manufacturers thereof or not, without first having a license so to do; and such license shall be issued by the register to such persons applying for the same upon the payment to him of the sum of three hundred dollars, and of the fees required by ordinance on the issue of licenses to resident traders, for the use of this city; which license shall be for the term of one year then next ensuing, and no longer.

Non-residents to procure license for sale of goods.

Amount of license.

\*The words contained between the words "in any year" and "shall pay for the remainder," etc., as contained in the original, are repealed by ordinance No. 5489, approved January 27, 1865.

†The word "ordinance," in the original, is changed to "article" by ordinance No. 5489, approved January 27, 1865.

‡The word "ordinance" in this section, in the original, is changed to "article" by ordinance No. 5489; and the words "in a less quantity than one quart or" are repealed by ordinance No. 5552, approved March 24, 1865.



Residents not to permit non-residents to sell under their license.

SEC. 14. That from and after the passage of this ordinance no person or persons, resident or residents of this State, and of the city of St. Louis, and licensed to sell therein, shall suffer or permit any person or persons not a permanent resident or residents of this State, and of the said city, and not in his or their regular service or employ, to sell any goods, wares, or merchandise, by sample, card, or other specimen, or by written, printed, or trade lists, under his or their firm or copartnership, or at the store, counting-room, or warehouse, in his or their occupation, or used at his or their place of business.

Penalty for violating foregoing sections.

SEC. 15. That any person or persons offending against the provisions of the foregoing two sections, upon conviction before the recorder, shall be adjudged to pay a sum of not less than twenty-five nor more than five hundred dollars for each and every offense; one-fourth of which sum shall, when collected by the marshal, be paid to the informer, and the informer shall be a competent witness.

#### ARTICLE XIV.

##### *Licenses for Sundry Avocations.*

Licenses to be procured for certain avocations.

SECTION 1. It shall not be lawful for any person to exercise within the city the business of a peddler, hawker, merchandise, real-estate, or money broker,\* or keep a billiard-table, nine or ten pin alley, shuffle-board, bagatelle-table, or ordinary; or to own, conduct, or manage for gain, a theater, or other exhibition, show, or amusement, without a license therefor.

Who declared to be peddler, money broker.

SEC. 2. Whoever is declared by the laws of the State of Missouri to be a peddler or money broker shall be so considered under this ordinance.

Merchandise broker.

SEC. 3. A merchandise broker is one who, for commission or other compensation, is engaged in the selling, or who negotiates sales, of goods, wares, or merchandise belonging to others.

Real-estate broker

SEC. 4. A real-estate broker is one who, for commission or other compensation, is engaged in the selling, or who negotiates sales, of real estate belonging to others.

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\*The words "money or pawn broker," in the original, are changed to "or money broker," by ordinance No. 5489, approved January 27, 1865.

## SEC. 5.\* (Repealed.)

SEC. 6. A keeper of a billiard-table is one who possesses or keeps, or has the control or management of, a billiard-table whereon others are permitted to play, and for the use of which, or privilege of playing thereon, or for the hire thereof, any money or its equivalent, or any check or counter in lieu of money, shall be paid or received therefor; and all billiard-tables within the city shall be held and taken to be so kept, and to come within the meaning and province of this ordinance, except such as may be kept within dwelling-houses for the owners' recreation, and not for the purpose of letting the same to others to play thereon for money, or anything representing or in lieu of money, or for wagers or bets; and there shall be levied and collected on every license to keep a billiard-table, kept for hire as aforesaid, the sum of ten dollars for each table; and each table shall be numbered, and the license for each table taken and paid for one year in advance. Whoever shall violate, or neglect or refuse to conform to and observe, the provisions of this section, shall be liable and subject to pay a fine of not less than fifty dollars nor more than three hundred dollars (for each and every table that such person neglects or refuses to take out a license for), to be sued for and recovered as in other cases of breaches of city ordinances.

Keeper of billiard table.

Billiard tables deemed to be public, when.

Penalty for violating this section.

SEC. 7. A keeper of a nine or ten pin alley is one who owns, possesses, or keeps such alley (without regard to the number of pins used), on which persons are permitted to play; but this shall not include such alleys as are constructed by associations of individuals and kept by them exclusively for their own private recreation; and for license to keep a nine or ten pin alley there shall be levied and collected, semi-annually, the sum of ten dollars in advance, on each alley.

Keeper of nine or ten pin alleys.

Amount of license.

SEC. 8. A keeper of a shuffle-board or bagatelle-table is one who owns, possesses, or keeps such a board or table at which persons are permitted to play.

Keeper of shuffle-board or bagatelle table.

SEC. 9. A keeper of an ordinary is one who sells or offers for sale in any house, cellar, booth, shed, or stand, any article of

Keeper of ordinary.

\* The fifth section of this article, in the original ordinance, is repealed by ordinance No. 5489, approved January 27, 1865.

meat, fruit, or other food, to be used or eaten or consumed in or at the place of sale.

Amount of license to be collected.

SEC. 10. There shall be levied and collected on every license granted for any business or object hereinafter specified, as follows :

For peddlers.

*First*—Upon a peddler's license, fifteen dollars.

Merchandise or real-estate broker.

*Second*—Upon a merchandise or real-estate broker's license, fifty dollars. \*

Money broker.

*Third*—Upon a money broker's license, one hundred and twenty-five dollars.

Shuffle-board or bagatelle.

*Fourth*—Upon a license to keep a shuffle-board or bagatelle-table, fifteen dollars.

Ordinary.

*Fifth*—Upon a license to keep an ordinary, fifteen dollars.

Circus, equestrian exhibition, concert, etc.

*Sixth*—Upon a license for an exhibition of a circus or equestrian exhibition, musical party or concert, exhibition of rope or wire dancing, puppets, wax figures, painting, statuary, tricks of legerdemain, pugilism, menagerie, or any other exhibition, show, or amusement, within the meaning of this ordinance, twenty-five dollars: *Provided*, that for musical concerts or parties, and the exhibition of painting or statuary, given or made by the citizens of this city, and thespian performances for benevolent or charitable purposes, no license shall be required; *and provided also*, that for any exhibition coming within the purview of this section, which shall be continued for a season of more than one month, and not exceeding six months, the sum of seventy-five dollars shall be charged; and all theatrical exhibitions, not hereinbefore excepted, shall be licensed at the rate of one hundred dollars per annum; but no license shall be granted for any theatrical exhibition for a shorter period than one month.

Licenses, how long to continue in force.

SEC. 11. Licenses granted under this article shall continue in force as follows :

*First*—For a theatrical or other exhibition, show, or amusement, hereinbefore specified, one month.

*Second*—For a peddler, three months.

*Third*—For all other objects or purposes, six months.

Licenses subject to ordinances.

SEC. 12. All licenses issued in pursuance of the foregoing

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\* The words "upon a pawnbroker's license, one hundred dollars," are struck out by ordinance No. 5489, approved January 27, 1865.

provisions shall be subject to the ordinances of the city, existing when they are issued, or subsequently passed.

SEC. 13. All licenses shall be issued in blank by the register, Licenses, how issued. under the seal of the city, and signed by the mayor, and shall be, as near as may be, in the following form :

CITY OF ST. LOUIS, — —.

I, — —, *Mayor of the City of St. Louis, to all who shall see these presents, greeting :* Form of licenses.

Know ye that, whereas, — —, on the — — day of — —, in the year of our Lord — —, paid to — — the sum of — — dollars, being the tax imposed on — — as — —, and otherwise complied with the requisitions of the city ordinances, in this behalf; therefore, the said — — is hereby authorized and empowered to — — for the term of — — months from — —.

In testimony whereof, I have hereunto set my hand, and caused the [L. s.] seal of the city to be affixed, at the city hall in said city, this — — day, of — —, A. D. — —.

*Attest: — — Register.* — —, *Mayor.*

And when any license shall be issued, the officer issuing the same shall, underneath said license, add the following, which he shall sign :

Granted, this — — day of — —, A. D. — —.

SEC. 14. No license granted by this city, except water, cart, wagon, or dray licenses, shall be assignable or transferable; nor shall any such license authorize any person to do business or act under it but the person named therein, nor at more than one place; and no assignment or transfer of any license shall be valid, or give any right or permission to the assignee or transferee to act thereunder, unless such assignment or transfer shall be approved and countersigned by the city register, or, if a water license, by the register of water-rates; and it shall be the duty of those officers to keep a registry of all assignments or transfers of licenses approved and countersigned by them, respectively. Licenses not transferable, except certain. Transfer of certain licenses, how made.

SEC. 15. Whoever shall violate, or neglect or refuse to conform to or observe, the preceding provisions of this ordinance, and any or either of them, shall be liable and subject to pay a fine of not less than ten dollars nor exceeding three hundred dollars, to be sued for and recovered as in other breach of city ordinances. Penalty.



Tax on foreign  
insurance com-  
panies

SEC. 16. The collectors of the several wards shall collect of all foreign insurance companies doing business in the city by agency the tax authorized by an act of the general assembly of this State, approved February 27, 1857, entitled "An act amendatory of an act entitled 'an act to license and regulate agencies of foreign insurance companies, approved December 8, 1855,'" one hundred dollars annually, in advance; and any agent failing or refusing to pay said tax, when called upon by the collector for the same, shall forfeit and pay to the city as a fine therefor the sum of two hundred dollars, to be recovered as other fines are by the city.

Penalty for re-  
fusing to pay  
tax.

Arms, etc., ex-  
empt from tax.

SEC. 17. Arms and accoutrements kept for military duty, necessary wearing apparel, cooking utensils, beds, bedding, and the necessary provisions for a family, shall not be subject to taxation.

Who declared a  
hawker.

SEC. 18. A hawker is one who sells or offers for sale in any wagon, vehicle, or other conveyance, drawn by hand or otherwise, in streets, alleys, or other thoroughfares or public places, by outcry, or by going from place to place in the city, any fruit, vegetable, ice-cream, or other article of food: *Provided*, that this section may not apply to any person who may have raised said articles from his own soil.

License of hawk-  
ers.

SEC. 19. There shall be levied and collected of every person following the business of a hawker the sum of ten dollars, the payment of which will entitle such hawker to a license for the period of six months; and such hawker shall carry such license with him, and exhibit the same whenever required by any street inspector, day-guard, or other officer authorized under the ordinances to make arrests.

Hawkers to car-  
ry license with  
them.

Regulations con-  
cerning hawk-  
ers.

SEC. 20. No hawker shall be permitted to carry the articles offered by him for sale in any wagon, vehicle, or other conveyance, drawn by hand or otherwise, unless the said wagon, vehicle, or conveyance be of one uniform dark color; nor shall he be permitted to affix to or have on or about said wagon, vehicle, or conveyance, any flags, ribbons, poles, or other thing calculated in any manner to scare or frighten horses, mules, or oxen, in the streets or other places within the city.

Hawkers with-  
out license to be  
arrested.

SEC. 21. It is hereby made the duty of the city marshal, street inspectors, and members of the day and night guards, to arrest

any person whom they shall find exercising the business of a hawker without a license, or in violation of the next preceding section.

SEC. 22. Any person found guilty, on trial before the recorder, of violating any of the provisions of the\* nineteenth, twentieth, and twenty-first sections of this article, shall be fined in a sum not less than ten nor more than one hundred dollars. Penalty.

This ordinance, having been returned by the mayor with his objections thereto, and, after reconsideration, having passed the common council by a vote of two-thirds of all the members elected to the council, as provided and required by the city charter, has become a law this sixth day of September, A. D. one thousand eight hundred and sixty-four.

( No. 5438. )

## SCALES AND WEIGHERS.

### AN ORDINANCE IN RELATION TO SCALES, WEIGHERS, AND THE WEIGHING AND MEASURING OF HAY, STONE-COAL, AND FIREWOOD.

|                                                                                            |    |                                                                                                     |    |
|--------------------------------------------------------------------------------------------|----|-----------------------------------------------------------------------------------------------------|----|
| <i>Auditor, weighers of hay and stone-coal to settle with, when</i> .....II, $\frac{1}{2}$ | 11 | <i>Certificate of measurement of fire-wood, to be delivered to purchaser</i> .....IV, $\frac{1}{2}$ | 6  |
| <i>Blank certificates, register to furnish to weighers</i> .....I, 5; IV,                  | 10 | <i>changing or altering, penalty</i> .....IV,                                                       | 9  |
| <i>weighers of hay and stone-coal to receipt for</i> .....II,                              | 12 | <i>Certificate of weight of hay or stone-coal, what to contain</i> .....II,                         | 5  |
| <i>Bond of city weighers</i> .....III,                                                     | 2  | <i>not to be delivered, when</i> .....II,                                                           | 9  |
| <i>Breach of bond of weighers, what deemed to be</i> .....II,                              | 2  | <i>not to be valid, when</i> .....II,                                                               | 10 |
| <i>how proceeded upon</i> .....II,                                                         | 2  | <i>offering coal or hay under, issued by certain parties</i> II,                                    | 10 |
| <i>office of weigher to cease on second conviction for</i> .....II,                        | 4  | <i>issuing from forfeited scales</i> II,                                                            | 11 |
| <i>Bushel of stone-coal, how computed</i> .....II,                                         | 13 | <i>falsifying or changing</i> .....II,                                                              | 15 |
| <i>Center-market scales, located</i> .....I,                                               | 4  | <i>issuing at unauthorized scales</i> .....II,                                                      | 19 |
| <i>Certificate of measurement of fire-wood, what to contain</i> .....IV,                   | 2  | <i>Certificates, city weighers to give, what</i> .....III,                                          | 2  |
| <i>not to be given, when</i> .....IV,                                                      | 4  | <i>Charcoal, to be sold by bushel</i> II,                                                           | 22 |
|                                                                                            |    | <i>measures of, to be inspected</i> II,                                                             | 22 |

\* The words "nineteenth, twentieth, and twenty-first sections of" are added, and the word "ordinance" changed to "article," by ordinance No. 5489, approved January 27, 1865.

|                                                                                                                                 |    |                                                                                                |    |
|---------------------------------------------------------------------------------------------------------------------------------|----|------------------------------------------------------------------------------------------------|----|
| <i>Charcoal</i> , selling in measures not inspected, penalty.....II, § 23                                                       | 23 | <i>Interfering with weigher</i> in discharge of his duties.....II, § 20                        | 20 |
| <i>Citizens</i> , authorized to ascertain weight of hay or stone-coal II, may arrest driver of hay or coal team, when.....II, 8 | 8  | <i>License of city weighers</i> , how obtained.....III, 1                                      | 1  |
| <i>City-market scales</i> , located.....I, 3                                                                                    | 3  | amount to be paid for.....III, 1                                                               | 1  |
| <i>City weighers</i> , provisions concerning.....III, 1                                                                         | 1  | not granted to certain persons.....III, 4                                                      | 4  |
| how license for, may be obtained.....III, 1                                                                                     | 1  | to be forfeited, when.....III, 4                                                               | 4  |
| duties and powers of.....III, 2                                                                                                 | 2  | <i>Marshal</i> (city), to sell hay, coal, and vehicle, when.....II, 8                          | 8  |
| exercising office of, without license.....III, 3                                                                                | 3  | <i>Mayor</i> , to appoint weighers of hay and stone-coal.....II, 1                             | 1  |
| <i>Coal-yards</i> , regulations concerning.....II, 24                                                                           | 24 | <i>North-leeve scales</i> , located.....I, 1                                                   | 1  |
| <i>Cord of firewood</i> , how much to contain.....IV, 8                                                                         | 8  | <i>Office</i> , city weighers to keep III, 2                                                   | 2  |
| <i>Deputies</i> , city weighers not to employ.....III, 3                                                                        | 3  | <i>Orders for weighing</i> , city weighers to keep book for.....III, 8                         | 8  |
| <i>Drivers of hay or coal teams</i> , weighers not to treat.....II, 17                                                          | 17 | city weighers failing to fill, penalty.....III, 8                                              | 8  |
| <i>Falsifying certificate of weight</i> II, 15                                                                                  | 15 | <i>Owners of public scales</i> , to file certain statement.....II, 11                          | 11 |
| <i>Fees of city weighers</i> , city weighers to report.....III, 6                                                               | 6  | <i>Penalties</i> for certain offenses.....II, 2, 3, 5—11, 14—19, 20, 23; III, 3, 8; IV, 9, 12. |    |
| <i>Fees of inspectors of weights and measures</i> , for testing scales.....II, 8                                                | 8  | <i>Police</i> , to ascertain weight of hay and stone-coal.....II, 8                            | 8  |
| for inspecting charcoal baskets.....II, 22                                                                                      | 22 | to arrest drivers of hay or coal team, when.....II, 8                                          | 8  |
| how paid.....II, 8                                                                                                              | 8  | <i>Public scales</i> , provisions concerning.....II, 11                                        | 11 |
| <i>Fees of weighers of hay and stone-coal</i> .....II, 7                                                                        | 7  | owners of, or stockholders in, to file statement.....II, 11                                    | 11 |
| <i>Firewood</i> , provisions concerning measurement of.....IV, 1                                                                | 1  | <i>Recorder</i> , to try breach of bond of weighers.....II, 2                                  | 2  |
| what vehicles to be brought in.....IV, 1                                                                                        | 1  | appeal from, when to be taken in certain cases.....II, 8                                       | 8  |
| to be measured before selling.....IV, 3                                                                                         | 3  | <i>Register</i> (city), to furnish printed blanks to weighers I, 5; IV, 10                     | 10 |
| how to be measured.....IV, 2                                                                                                    | 2  | to issue licenses to city weighers.....III, 1                                                  | 1  |
| not to be diminished after receiving certificate.....IV, 5                                                                      | 5  | city weighers to report to, when.....III, 2                                                    | 2  |
| cord of, what to measure.....IV, 8                                                                                              | 8  | <i>Register of weighing done</i> , city weighers to keep.....III, 2                            | 2  |
| committing fraud in selling, penalty.....IV, 9                                                                                  | 9  | of weighing, to be open to public.....III, 7                                                   | 7  |
| delivering less than certified, penalty.....IV, 12                                                                              | 12 | <i>Salaries of weighers</i> at city scales.....I, 5                                            | 5  |
| <i>Hay</i> , selling without being weighed, penalty.....II, 5, 14                                                               | 14 | <i>Scales</i> , public ( <i>see public scales</i> ).                                           |    |
| bringing in wagon not stamped with weight.....II, 6                                                                             | 6  | <i>Scales</i> , of weighers of hay and stone-coal, to be tested, when.....II, 21               | 21 |
| vehicles bringing, when to be weighed.....II, 7                                                                                 | 7  | city weighers to provide.....III, 2                                                            | 2  |
| <i>Informers</i> , to receive one-half certain fines.....II, 3, 5—11, 14—19, 23; IV, 12.                                        |    | city weighers to have tested, when.....III, 5                                                  | 5  |
| <i>Inspector of weights and measures</i> , fees of for testing scales II, 22                                                    | 22 | <i>Selling part of load</i> , certified II, 15                                                 | 15 |
| to inspect charcoal measures.....II, 22                                                                                         | 22 | under false certificate.....II, 16                                                             | 16 |
| fee of, for inspecting measures.....II, 22                                                                                      | 22 | under certificate of unauthorized scale.....II, 18                                             | 18 |
|                                                                                                                                 |    | <i>South-leeve scales</i> , located.....I, 2                                                   | 2  |
|                                                                                                                                 |    | <i>Stockholders in scales</i> not to buy or sell certain articles.....II, 3                    | 3  |
|                                                                                                                                 |    | to file certain statement.....II, 11                                                           | 11 |
|                                                                                                                                 |    | <i>Stone-coal</i> , selling without being weighed, penalty.....II, 5, 14                       | 14 |

|                                                                                      |                                                                                                                |
|--------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|
| <i>Stone-coal</i> , bringing in vehicles not stamped with weight II, $\frac{1}{2}$ 6 | <i>Weighers of hay and stone-coal</i> , office of to cease on second breach of bond of.....II, $\frac{1}{2}$ 4 |
| vehicles bringing, to be weighed, when.....II, 7                                     | fees of, for weighing and marking.....II, 9                                                                    |
| how much to be computed a bushel.....II, 13                                          | duties of.....IV, 8; II, 12                                                                                    |
| <i>Tickets</i> , register to furnish weighers with.....I, 5; IV, 10                  | interfering with, penalty...II, 20                                                                             |
| <i>Treating</i> drivers of hay or coal teams.....II, 17                              | to have scales tested, when II, 21                                                                             |
| <i>Weighers at city scales</i> , register to furnish blanks to.....I, 5              | fees of for measuring fire-wood.....IV, 7                                                                      |
| salaries of.....I, 5                                                                 | <i>Weighing</i> by city weighers, fees for.....III, 6                                                          |
| <i>Weighers of hay and stone-coal</i> , provisions concerning.....II, 1              | by weighers of hay and stone-coal.....II, 9                                                                    |
| how appointed.....II, 1                                                              | <i>Wood</i> , weighers of hay and stone-coal to measure.....II, 12; IV, 2                                      |
| breach of bond of, what deemed.....II, 2                                             | <i>Wood-yards</i> , provisions concerning.....IV, 11                                                           |

*Be it ordained by the Common Council of the City of St. Louis.*

# ARTICLE I.

## *Public Scales.*

SECTION 1. The [public] scales on the levee between Carr and Biddle streets, by authority of ordinance entitled "An ordinance to erect public scales on the levee between Carr and Biddle streets," approved July 31, 1858, together with the office building connected therewith, are hereby established and continued as public scales, under the name of "North Levee Scales."

North-levee scales.

SEC. 2. The scales erected on the southern part of the levee, near the present landing of the Wiggins' ferry company, erected by authority of ordinance entitled "An ordinance providing for the erection of hay and coal scales on the south levee, near the ferry landing," approved March 26, 1858, together with the office building for the weigher, are hereby established and continued as public scales, under the name of "South Levee Scales."

South-levee scales.

SEC. 3. The scales at the point north of the City market, between Broadway and Fifth street, are hereby established and continued under the name of "City-market Scales," subject to the provisions of charter and ordinances in relation to public weighing scales.

City-market scales.

SEC. 4. The scales erected at the southeast corner of Eighth and Spruce streets, by authority of an ordinance entitled "An ordinance for establishing public scales at or near the corner of Eighth and Spruce streets," approved December 11, 1863,

Center-market scales.



together with the office building connected therewith, are hereby established and continued as public scales.

Register to furnish tickets to weighers.

SEC. 5. The city register shall furnish the weighers at all the scales belonging to the city, monthly, with printed tickets; and charge the same as cash to each weigher, to be accounted for at his monthly settlements. The salary of all weighers in the city service shall be four hundred dollars per annum, payable monthly, except [that of] the weigher of the City-market Scales, which shall be six hundred and sixty dollars.\*

Private scales to charge like fees as city.

SEC. 6. No public scales belonging to private persons or companies shall charge a greater fee for weighing than that allowed in the third article of this ordinance,† nor shall they charge a less fee than city scales charge, nor deliver tickets without payment therefor at the time of delivery, upon penalty of the loss of privilege conferred by ordinance, and the abolishing of the defaulting scales.

## ARTICLE II.

### *Weighers of Hay and Stone-Coal.*

Weighers to be appointed.

SECTION 1. There shall be appointed, on or before the first Monday in June, in each year, by the mayor, with the advice and consent of the board of common council, a weigher of hay and stone-coal for each public scale now authorized or which may hereafter be erected or authorized by the city.

Breaches of weighers' bond.

SEC. 2. The following, among others, shall be deemed a breach or breaches of the official bond of a city weigher :

*First*—If the scales and weights under the control of any such weigher shall be at any time so much out of order as to weigh one hundred pounds more or less than the standard weight, and he shall continue to weigh therewith, and issue and charge for certificates of such weighing, without giving notice to the city inspector of weights and measures of the inaccuracy of his scales and weights, and ceasing all weighing thereon until the same be tested and adjusted by the said inspector, at whose office notice

\*Ordinance No. 5484, approved January 24, 1865, fixes the salary of weighers at the north and south levee scales at \$900 each.

†The word "section," in the original ordinance, is changed to "article," and the word "article," in the original, is changed to "ordinance," by ordinance No. 5464, approved December 3, 1864.

in writing of the error in such scales and weights shall be left within forty-eight hours after the error in the same is found to exist.

*Second*—If any such weigher shall, through intent, issue any certificate of weighing which shall contain of gross or tare or net weight one hundred pounds more or less than the true gross or tare or net weight of the article weighed; or if any weigher shall deduct as tare the number of pounds marked on any wagon or other vehicle, without himself or other such lawful weigher having first weighed such wagon or other vehicle and marked or stamped on it the true weight thereof and the number of the wagon, together with his name and the initials of the scales of which he is weigher and the date of the weighing thereof; or if any such weigher shall mark or stamp, as last aforesaid, any wagon or other vehicle for a weight which is ten pounds more than the true standard weight thereof, at the time of such marking or stamping, with intent to defraud; or if any such weigher shall fail to demand of and charge every person presenting hay, stone-coal, or anything to be weighed, the sum prescribed by ordinance to be paid therefor, no more, no less, before delivering the certificate of the weight thereof; or if any such weigher shall fail to keep a book or books, and enter therein daily, item by item, in legible handwriting, every load of hay or stone-coal, and every other load or thing weighed, designating its kind, the gross, tare, and net weight thereof, the owner and driver thereof, and the true amount of fees charged and received therefor; or if he shall fail or refuse at any time to permit all the books and papers belonging to his office to be examined by the mayor, comptroller, or any member of the common council, and to furnish them copies or extracts of any part thereof; or if any weigher of hay or stone-coal, or any of his deputies, shall, directly or indirectly, in person or by another, be engaged in the buying or selling of hay or stone-coal, or other article to be weighed, except so much as may be necessary for his private family use—in every such case, among others, a breach of such bond shall be deemed in law to be made; upon complaint whereof, in writing, specifying the breach made, before the recorder of the city, it shall be the duty of the recorder to hear and entertain the same, as other misdemeanors, according to ordinance, and, in

case of conviction, adjudge a penalty of not less than fifty dollars nor more than one hundred dollars for every such breach against such weigher, to be collected as provided in section three of this ordinance [article].

Stockholders not  
to buy or sell hay  
or stone-coal.

SEC. 3. No person pecuniarily interested as stockholder in scales whereat public weighing is done, as aforesaid, in the city and county of St. Louis, shall, directly or indirectly, in person or by another, be engaged in the buying or selling of hay, stone-coal, or other article subject to be weighed, except so far as may be necessary for his own private family use, under a penalty of one hundred dollars for every violation of this section, to be recovered before the recorder; and, upon conviction, the one-half of the fine to be paid to the complainant and the other into the city treasury.

Penalty for  
breach of bond.

SEC. 4. Any weigher who shall be convicted twice before the recorder of a breach of his bond, shall, by virtue of his conviction, cease to be a weigher from and after the day on which said second conviction is had.

Bringing hay or  
coal into city  
without being  
weighed.

SEC. 5. Any person who brings or sends into the city of St. Louis, for sale, any hay or stone-coal, in any wagon or other vehicle, and actually sells, or offers the same for sale, without first having had the same, and the wagon or other vehicle containing the same, duly and legally weighed at some scale within the city limits,\* and procuring a certificate of the weight thereof on the day or the day previous to which the same is sold or offered for sale, which certificate shall contain the gross, tare, and net weight of the article contained in said load, as also the true fee paid the weigher therefor, and the weigher's name printed or written thereon, shall be deemed guilty of a misdemeanor; upon conviction whereof, before the recorder, he shall be fined not less than fifty dollars nor more than one hundred dollars, payable as aforesaid, in section three, to the complainant and the city treasury.

Penalty.

Wagon not  
stamped, pen-  
alty.

SEC. 6. Any person who brings or sends into the city of St. Louis any hay or stone-coal, in any wagon or other vehicle which has not marked or stamped thereon, in plain and legible

\* The words "at some scale within the city limits" are added by ordinance No. 5464, approved December 3, 1864.

characters, the weight thereof, by a weigher legally authorized thereto in the manner mentioned in the second subdivision of the third section hereof, or whose wagon or other vehicle weighs ten pounds more than the weight marked or stamped thereon as aforesaid, shall be deemed guilty of a misdemeanor, and, upon conviction, fined as in the last section mentioned, payable as therein stated.

SEC. 7. It shall be the duty of all owners of wagons or other vehicles that may be employed in bringing hay or stone-coal to this city to have their wagons or other vehicles weighed at least every three months, and no public weigher shall issue his certificate for any wagon or other vehicle upon which the date of its being weighed is longer preceding than three months. It shall also be the duty of any owner of any wagon or other vehicle to have the same re-weighed immediately after said wagon or other vehicle having been repaired; and no owner or driver of any wagon or other vehicle shall alter or change any part of said wagon or other vehicle after the same shall have been weighed, unless the said wagon or other vehicle shall be immediately re-weighed before being used. Any person violating this section, upon conviction before the recorder shall be fined as provided in section three of this ordinance [article].

Wagons to be weighed, how often.

Penalty.

SEC. 8. It shall be the duty of any police officer of the city of St. Louis, as well as the right of any other citizen, to demand of the driver of any such wagon or other vehicle to produce his certificate of weighing, and, if he deems it necessary, to order him to drive his wagon or other vehicle, with its contents, to any one of the city scales and have the same weighed thereon; but no weigher shall receive any compensation for weighing such wagon or other vehicle; and, if the gross or net weight be found less by fifty pounds, or tare greater by ten pounds,\* than what the weigher's certificate in the hands of the driver calls for, to arrest such driver, and also his wagon or other vehicle, and the load therein, and enter a written complaint against him forthwith before the recorder; upon conviction whereof the said driver shall be fined the sum of one hundred dollars and costs, which, if

Duty of police officers to arrest certain offenders.

Penalty for false certificates.

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\*The words "greater by one hundred," in the original ordinance, are changed to "less by fifty," and the word "less" is changed to "greater," by ordinance No. 5464, approved December 3, 1864.



Informers to receive compensation.

Inspector to test scales.

Fees for inspecting.

Penalty for refusing to submit to test.

not paid forthwith, the said wagon or other vehicle, with the contents, shall be sold by the city marshal in three days after judgment is rendered by the recorder; and the fine, when collected, shall be paid one-half to the complainant and the other to the city: *Provided*, that the inspector of weights and measures shall forthwith, upon such arrest, inspect and test the scales whereat the certificate was granted, and also those whereat the second weighing was had, and that both are by him found accurate; for which duty the inspector shall, upon conviction of the driver, be entitled to a fee of five dollars, to be paid by the complainant and the city equally, upon the receipt by them of the amount of such fine: *and provided also*, in case of refusal by such driver to produce his certificate, or obey the police officer or other citizen to drive his wagon or other vehicle, with its contents, to one of the city scales for the purpose of being re-weighed as aforesaid, such driver shall be deemed guilty of a misdemeanor, and his wagon or other vehicle, and contents, shall be arrested, and he be complained of and convicted as if his wagon or other vehicle were found to vary in weight from his certificate as aforesaid: *and provided also*, that if the sale of the wagon or other vehicle, and its contents, shall not produce the amount of fine and cost, such driver, if the owner, shall be liable as other defendants found guilty of misdemeanors, and convicted and fined in the recorder's [police] court; if not the owner, then the owner to be liable as above; the right of appeal, however, existing in all cases as now by ordinance provided, except that the appeal must be taken within three days from the day of the judgment.

Weigher's fees.

SEC. 9. Each weigher shall be entitled to demand and receive from the person having weighing done a fee at the following rate, viz: For weighing and marking each empty wagon or other vehicle, as provided in section two of this ordinance [article], and registering the same and the number thereof on the registry in the weigher's office, twenty-five cents; for each and every load weighed, a uniform rate of twenty cents; for each animal weighed separately, five cents. Any weigher in the city or county of St. Louis who shall charge more or less than the fees allowed by this section for weighing any article shall be fined not less than fifty dollars nor more than one hundred dollars, to

be collected and paid as provided in section three of this ordinance [article]. No weigher shall deliver his certificate of weighing until the fee, according to the tariff, is first paid.

SEC. 10. No certificate of weighing issued from the office of any hay or coal scales in the city or county of St. Louis, in which any coal proprietor, miner, lessee, hauler, retailer, or other person whatsoever interested, directly or indirectly, by himself or others, in the sale of coal, shall have stock or ownership, shall be good and valid in the city of St. Louis; but the person offering coal for sale with such certificate shall be fined not less than fifty dollars nor more than one hundred dollars, as provided in section three of this ordinance [article].

Certain certificates invalid.

SEC. 11. Every person whosoever, interested as stockholder or owner, in whole or in part, in any public scales in the city or county of St. Louis, shall, within twenty days after the approval of this ordinance, file with the register of the city a written statement, verified by his affidavit, of his quantity or amount of stock or ownership in such scales; whether he deals in the buying and selling of hay or stone-coal, or is interested in any way, directly or indirectly, in such buying or selling, except for his own private family use; and, in case of failure or refusal to comply with the provisions of this section, such scales shall be deemed to have forfeited the authority granted them, and the powers under which they act be absolutely revoked, and all weighing done thereat thereafter illegal; and every person issuing certificates of weighing, or offering hay or stone-coal for sale, with certificate from the forfeited scales or the weigher thereof, shall be fined as in the preceding section provided.

Stockholders in scales to make statement.

Penalty.

SEC. 12. It shall be the duty of every weigher appointed under this ordinance:

Duties of weighers.

*First*—To attend at the office of the public scales for which he is appointed from sunrise to sunset of every day ( Sunday excepted ), and to weigh every load of hay, stone-coal, or other thing which may be presented to be weighed, and to give the person presenting the same a certificate of gross, tare, and net weight thereof.

*Second*—To enter in suitable books, in tabular form, every load of hay, stone-coal, or other thing weighed, designating the kind and weight thereof, and for whom weighed.

*Third*—To receive and receipt to the register for all blank certificates which he may use or obtain.

*Fourth*—To settle with the auditor, on the last Saturday of each month, for all blank certificates and all moneys received by him, and pay into the city treasury all such money received by him as weigher.

*Fifth*—To perform such duties in the measurement of wood and otherwise as may be required of him by ordinance.

Bushel of stone-coal fixed.

SEC. 13. In weighing stone-coal the weigher shall compute eighty pounds avoirdupois to be a bushel, after making a suitable deduction for slate and other foreign substances therein contained.

Coal or hay not weighed at legal scales, not to be sold.

SEC. 14. No person shall buy or sell, or offer to sell, any hay or stone-coal in this city until the same shall have been weighed by one of the regularly-appointed weighers of the city, or by a weigher of one of the scales within this county, legally authorized, and a certificate of the weight thereof given, as herein required, under a penalty of fifty dollars for each load bought, sold, or offered for sale, to be collected and paid as provided in section three.

Penalty.

Selling part of load certified.

SEC. 15. Any person who shall have had any article weighed as aforesaid, and received a certificate of the weight thereof, who shall sell a part thereof, and afterwards sell or offer to sell the remainder as for the quantity called for in his certificate, or shall change, alter, or in any manner falsify the certificate of the weigher, or shall suffer any of these things to be done, shall, upon conviction, forfeit and pay not less than fifty dollars, to be collected and paid as provided in section three.

Penalty.

Selling under false certificate.

SEC. 16. If any retailer or other person sell or offer to sell a load of hay or stone-coal in the city, under pretense of a weigher's certificate, obtained under and by virtue of the weight of another and a different load from the one he sells or offers for sale, he shall pay a fine of not less than one hundred dollars, as provided in section three.

Penalty.

Liquors at scales prohibited.

SEC. 17. Any weigher who keeps spirituous or other liquors of any kind in his office for the purpose of treating the drivers of hay or coal teams, during the hours of weighing, or who treats them, or any of them, directly or indirectly, for the purpose of procuring weighing to be done at his scales, shall be fined fifty dollars for every such offense, payable as provided in section three.

Penalty.

SEC. 18. Any person offering for sale in the city of St. Louis any load of hay or stone-coal which has been weighed at scales not authorized to do public weighing by the ordinances of the city of St. Louis, or by the laws of the State of Missouri, or at scales which have been declared illegal by the laws of the State of Missouri, and who shall sell or offer to sell such load of hay or stone-coal under and by virtue of a certificate of weight issued by a weigher of such unauthorized or illegal scales, shall be deemed guilty of a misdemeanor, and shall be fined not less than fifty dollars nor more than one hundred dollars for the first offense, and for every subsequent offense the sum of one hundred dollars, to be recovered before the recorder, as provided in section three.

Selling hay or coal not weighed at legal scales.

Penalty.

SEC. 19. Any person acting as weigher and issuing certificates of weighing at scales not authorized by the ordinances of the city of St. Louis or by the law of the State of Missouri [or at scales which have been declared illegal by the law of the State of Missouri], shall be deemed guilty of a misdemeanor, and shall be fined the sum of one hundred dollars for every such offense of weighing and issuing a certificate therefor, to be recovered as provided in section three.

Acting as weigher when not authorized.

Penalty.

SEC. 20. Any person who interferes with public scales or the weigher thereof whilst in the discharge of his duty, by demanding or exacting more weight of and for the article weighed than what he declares it to be, or by threatening or menacing him, or by using harsh or abusive language to him whilst in the discharge of his duty, or who shall cause any noise or disturbance in or about the office of such scales, or who shall interfere with any person or persons who are about to have weighing done or who have already done weighing at any public scales, by menacing or otherwise abusing them therefor, or by using unseemly, profane, obscene, or offensive language towards them, shall be deemed guilty of a misdemeanor, and be fined one hundred dollars for each and every such offense, to be recovered as provided in section three.

Interfering with weighers.

Penalty.

SEC. 21. Each weigher shall cause the accuracy of the scales under his charge to be tested by the inspector of weights and measures at least twice in each year, and at all times whenever he may have reason to believe them inaccurate; and all repairs of

Scales to be tested.



same shall be made by said inspector ; but no repairs involving an expenditure shall be made without the approbation of the mayor.

**Charcoal, how to be sold.**      **SEC. 22.** All charcoal brought into this city and offered for sale shall be measured by the bushel, and all baskets or other vessels in which said charcoal is measured shall be inspected by the inspector of weights and measures, and by him stamped or marked to be correct; and said inspector shall be entitled to a fee of fifteen cents for each basket or other vessel so inspected by him.

**Measures to be tested.**  
**Fees for inspecting.**  
**Penalty for selling charcoal in unstamped measures.**      **SEC. 23.** Any person who sells or offers for sale any charcoal in this city, whose basket or other vessel with which he measures the same shall not have been first tested as provided in the preceding section, shall be fined not less than five dollars nor more than ten dollars for every such offense committed, to be collected and paid as provided in section three of this article.

**Regulations for coal-yards.**      **SEC. 24.** Every person keeping a coal-yard, or vending coal in the city of St. Louis in small quantities, shall keep suitable scales for weighing the same, and shall weigh all the coal sold by him, and deliver to the purchaser thereof a ticket setting forth the weight and number of bushels so sold: *Provided, however,* that no charge shall be made for weighing a less quantity than twenty bushels; and any person delivering a less quantity than so set forth in said ticket shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than ten nor more than one hundred dollars, to be recovered as prescribed by the ordinances of the city.

**Penalty.**

ARTICLE III.

*City Weighers.*

**Licenses for weighers, how issued.**      **SECTION 1.** The register is hereby authorized and directed to issue a license to exercise the office of city weigher for the term of one year to any person who shall apply for the same: *Provided,* such person shall pay into the city treasury the sum of fifty dollars for such license.

**Duties of weighers.**      **SEC. 2.** Each weigher shall keep an office in that part of the city lying east of Second street, and shall supply himself with suitable scales, tested and approved by the inspector of weights and measures, and shall, before entering on the duties of his office, give bond to the city in the penal sum of two thousand

dollars, with one or more securities, to be approved by the mayor, conditioned for the faithful performance of the duties of the office of weigher, and to indemnify all persons against any fraud, collusion, or error on his part; and he shall, when requested, weigh any article of commerce, and deliver to the applicant a certificate which shall state the marks and numbers of the packages weighed, the number of such packages constituting each draught, and the weight of such draught, separately; also, the total weight of each lot of merchandise which is distinguished by a separate mark, and shall report the fees for weighing the same, and shall keep a register in a suitable book of all the articles weighed, an abstract of which register, with the amount of fees received, shall be reported to the city register, under oath, on the last Saturday of each month.

SEC. 3. No person shall exercise the office of city weigher unless he shall have taken out a license as herein provided, under a penalty of not less than ten nor more than one hundred dollars for each and every offense; nor shall any weigher employ a deputy.

Penalty for weighing without license.

SEC. 4. License as weigher shall not be granted to any person, or to any employee of any person, who, at the time of applying for the same, is directly or indirectly engaged in buying, selling, or trading in any article that he may be called to weigh; and any person who shall, after having taken out a license, become so engaged, either as principal or as employee, shall thereby forfeit the office and privileges granted by this ordinance, without claim on the city for the license-money paid.

Certain parties to receive no license for weighing.

SEC. 5. The scales of the city weighers shall be tested by the inspector of weights and measures at least once in every six months, and oftener if such scales shall be supposed incorrect.

Weighers' scales to be tested, when.

SEC. 6. The city weighers shall be entitled to charge and receive, as compensation for their services, viz: For sacks of corn, wheat, oats, rye, seed, potatoes, and onions, one and a quarter cents per hundred pounds; for bags of dried fruit, and bran, two cents per hundred pounds; for coffee, two and a half cents per bag; for rags, three cents per hundred pounds; for baled hay and hemp, one and a half cents per hundred pounds; baled tow, one and three-quarter cents per hundred pounds;

Weighers' fees.

sugar, one cent per hundred; each hogshhead or package of tobacco, twenty-five cents; meat, twelve and a half cents per cask; meat in bulk, two cents per hundred pounds; lard, grease, tallow, and oil, four cents per tierce or package; barrels, three cents each; kegs of lard, one and a half cents each; each bale of cotton, ten cents; pig iron, one and a quarter cents per hundred pounds; pig lead, one cent per hundred pounds; bales or bags of wool, over a hundred pounds, ten cents; under a hundred pounds, five cents; coil rope, two cents each; for assorting grain, fifty cents per one hundred sacks; tierces of rice, ten cents each.

Weighers' register to be open for inspection.

SEC. 7. The register required to be kept by the city weighers shall at all times be open to the inspection of any person interested in weighing done by them.

Order-book to be kept.

SEC. 8. Each weigher shall keep open a book in some public part of his office, in which all orders for weighing are to be entered, and he shall fulfill such orders for weighing in the order that they are entered, unless for good cause shown, under a penalty of not less than five or more than one hundred dollars for every violation of this section, to be sued for and recovered, as other penalties, before the recorder.

Penalty.

#### ARTICLE IV.

##### *Firewood.*

Firewood how brought to city.

SECTION 1. All firewood brought to this city otherwise than by water, for sale, shall be brought in vehicles which shall be open at the sides in such manner as to permit the officer charged with the measurement thereof to examine the same with accuracy.

Wood to be measured before sale.

SEC. 2. Before any firewood brought to this city in vehicles shall be sold, the person bringing the same shall cause it to be measured by some of the weighers of hay and stone-coal, and receive from him a certificate of the quantity. The certificate aforesaid shall state the number of feet contained in such load, and the number of cords or parts of a cord the measured quantity constitutes.

Manner of measuring.

SEC. 3. In making such measurement, it shall be the duty of the officer to examine carefully the manner in which the wood is piled in the vehicle, and make a suitable deduction for loose and improper piling and for crookedness and unevenness of the wood.

SEC. 4. No certificate shall be given by a weigher of hay and stone-coal until the person applying for measurement of wood shall give his name to that officer.

Name to be given, before issue of certificate.

SEC. 5. No person, after having a load or quantity of wood measured, and received a certificate as aforesaid, shall, before sale thereof, diminish the quantity thereof.

Load certified not to be diminished.

SEC. 6. Any person bringing wood to this city in a vehicle, and, after having the same measured as hereinbefore provided, making sale thereof, shall deliver the certificate received by him as aforesaid to the purchaser, who shall retain, and in no case re-deliver the same to the vender.

Certificate to be delivered to purchaser.

SEC. 7. The weighers of hay and stone-coal shall be entitled to charge for each certificate delivered by them, as aforesaid, five cents, which shall be paid, on the delivery thereof, by the person having the wood measured.

Fees for measuring.

SEC. 8. In all measurements of wood, under this ordinance, a cord shall be computed at the rate of eight feet in length, four feet in breadth, and four feet in height, well stored and packed; and parts of cords shall be computed in the same proportion.

Cord computed.

SEC. 9. Whoever shall violate any of the provisions of this ordinance, or be guilty of any fraud or imposition in the sale of wood, or shall change or alter any certificate made in pursuance hereof, shall forfeit and pay not less than five nor more than one hundred dollars.

Penalty.

SEC. 10. The city register shall furnish to each weigher of hay and stone-coal printed blank forms for certificates, to be used by them as provided and required herein; and the register shall likewise furnish each weigher of hay and stone-coal with a sufficient number of printed copies of this ordinance, so that a copy thereof may be delivered to each person bringing firewood to the city for sale.

Register to furnish blanks to weighers.

SEC. 11. Every person keeping a wood-yard, and selling wood in small quantities, shall deliver to the purchaser thereof a ticket setting forth the quantity so sold, in cords and fractional cords; and any person delivering a less quantity than set forth in said ticket shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not less than ten dollars nor more than one hundred dollars, to be recovered as prescribed by the ordinances of the city.

Regulations for wood-yards.

Penalty.



Penalty for issuing false certificate.

SEC. 12. Any weigher who shall give a certificate of measurement which shall not truly state the quantity as directed in the second section hereof, or who shall charge more or less than the fees allowed by the provisions of this ordinance, shall be fined not less than fifty nor more than one hundred dollars, to be recovered before the recorder, one-half of the fine to be paid to the complainant, and the other half into the city treasury.

Approved, September 7, 1864.

(No. 4405.)

## WARDS.

|                                                                    |     |                                                                          |     |
|--------------------------------------------------------------------|-----|--------------------------------------------------------------------------|-----|
| <i>Boundaries of wards, established</i>                            | § 1 | <i>Repeal of conflicting ordinances.....</i>                             | § 3 |
| <i>Boundary lines, to be center of streets.....</i>                | 2   | <i>Voters, right of not interfered with by change of ward lines.....</i> | 4   |
| <i>City, division of into wards.....</i>                           | 1   | <i>Wards, boundary lines of.....</i>                                     | 1   |
| <i>Dividing lines, between wards, to be center of streets.....</i> | 2   |                                                                          |     |

AN ORDINANCE DIVIDING THE CITY OF ST. LOUIS INTO TEN WARDS, AND FIXING THE BOUNDARIES THEREOF, UNDER SANCTION OF AND IN CONFORMITY TO A LEGISLATIVE ENACTMENT ENTITLED "AN ACT TO EXTEND THE LIMITS OF THE CITY OF ST. LOUIS, AND FOR OTHER PURPOSES," APPROVED DECEMBER 5, 1855; AND ALSO IN COMPLIANCE WITH "AN ACT SUPPLEMENTARY TO AND AMENDATORY OF AN ACT ENTITLED 'AN ACT TO EXTEND THE LIMITS OF THE CITY OF ST. LOUIS, AND FOR OTHER PURPOSES,'" APPROVED DECEMBER 8, 1855.

*Be it ordained by the Common Council of the City of St. Louis:*

City divided into ten wards.

SECTION 1. The city of St. Louis is hereby divided into ten wards, under sanction of and in conformity to the legislative enactment referred to in the caption of this ordinance; the boundaries whereof shall be, and the same are hereby, established as follows:

Boundaries of first ward.

*First Ward*—Shall embrace all that territory lying between the southern, western, and eastern lines of the extended new limits of the city, and a line as follows: Beginning at the eastern termination of Soulard street; thence westwardly, along

said street, to Lafayette avenue; thence along the center of Lafayette avenue to Grand avenue; thence, by the same line prolonged westward, to the western boundary of the extended new limits.

*Second Ward*—Shall embrace all that territory lying north of the first ward and within the eastern and western boundaries of the extended new limits of the city, and south of the following line: Beginning at the eastern end of Convent street; thence westward, along Convent street, to Carondelet avenue; thence south to Hickory street; thence westward, along Hickory street, to Grattan street; thence southward, along Grattan street, to Park avenue; thence westward, along Park avenue, to Grand avenue; thence with the line of Park avenue, extended, to the western boundary of the extended new limits.

Boundaries of second ward.

*Third Ward*—Shall embrace all that territory north of the second ward and within the eastern and western boundaries of the extended new limits, and south of the following line: Beginning at the east end of Plum street; thence westward, with Plum street, to Fourth street; thence southward to Cerre street; thence westwardly, along Cerre street, to Fourteenth street; thence southwardly, along Fourteenth street, to the south side of the Pacific railroad; thence along the south side of the Pacific railroad to the west line of the extended new limits.

Boundaries of third ward.

*Fourth Ward*—Shall embrace all that territory north of the third ward and within the eastern and western boundary lines of the extended new limits, and south of the following line: Beginning at the east end of Market street; thence westward, along Market street, to Tenth; thence south, along Tenth, to Clark avenue; thence westwardly, along Clark avenue, to Adolph street; thence southwardly, along Adolph street, to the western extension of Clark avenue; thence along said western extension of Clark avenue to the macadamized Market-street road; thence westward, along said macadamized road, to the west line of the extended new limits.

Boundaries of fourth ward.

*Fifth Ward*—Shall embrace all that territory north of the fourth ward and within the east and west boundary lines of the extended new limits, and south of the following line: Beginning at the east end of Olive street; thence westwardly, along Olive street, to Seventeenth street; thence, by the same line continued

Boundaries of fifth ward.

westward, to Garrison avenue; thence along the Central plank-road to the west line of the extended new limits.

Boundaries of  
sixth ward.

*Sixth Ward*—Shall embrace all that territory north of the fifth ward and within the east and west boundary lines of the extended new limits, and south of the following line: Beginning at the east end of Green street; thence westward, along Green street, to Eleventh street; thence south, along Eleventh street, to Christy avenue; thence westward, along Christy avenue, to Pratte avenue, at its intersection with Lucas avenue; thence westward, along Lucas avenue, to Garrison avenue; thence by the line of Lucas avenue, extended westward, to the west line of the extended new limits.

Boundaries of  
seventh ward.

*Seventh Ward*—Shall embrace all that territory north of the sixth ward and within the east and west lines of the extended new limits, and south of the following line: Beginning at the east end of Cherry street; thence westward, along Cherry street, to Broadway or Third street; thence along Broadway or Third street to Franklin avenue; thence along Franklin avenue to Garrison avenue; thence along the line of Franklin avenue, extended westward, to the west line of the extended new limits.

Boundaries of  
eighth ward.

*Eighth Ward*—Shall embrace all that territory north of the seventh ward and within the east and west lines of the extended new limits, and south of the following line: Beginning at the east end of Biddle street; thence along Biddle street to Pratte avenue; thence along Gamble street to the macadamized St. Charles road; thence along said macadamized road to Webster street; thence on a line parallel with the extended line of Biddle street to the west line of the extended new limits.

Boundaries of  
ninth ward.

*Ninth Ward*—Shall embrace all that territory north of the eighth ward within the east and the west lines of the extended new limits, and south of the following line: Beginning at the east end of Howard street; thence westward, along Howard street, to Eighteenth; thence south, along Eighteenth street, to Cass avenue; thence westward, along Cass avenue, to the west line of the extended new limits.

Boundaries of  
tenth ward.

*Tenth Ward*—Shall embrace all that territory north of the ninth ward and embraced within the east, west, and north lines of the extended new limits.

Dividing lines,  
when fixed.

SEC. 2. The dividing lines between the wards shall be the

center lines of the streets and avenues respectively named as boundaries thereof.

SEC. 3. All ordinances heretofore passed dividing the city into wards, so far as the same may conflict with the provisions hereof, or any thing required by the amended charter of the city, entitled "An act to extend the limits of the city of St. Louis, and for other purposes," approved December 5, 1855, are hereby repealed.

SEC. 4. The change of the ward lines, as made by this ordinance, shall not be construed to deprive any voter, otherwise duly qualified, from voting on the first Monday in April next in the ward into which he may be thrown by the change of the ward lines as herein established.

Approved, March 21, 1859.

( No. 5339. )

## WATER COMMISSIONERS.

### AN ORDINANCE TO ESTABLISH AND REGULATE THE BOARD OF WATER COMMISSIONERS.

|                                                                             |   |   |                                                                                 |      |   |   |
|-----------------------------------------------------------------------------|---|---|---------------------------------------------------------------------------------|------|---|---|
| <i>Account</i> , water commissioners to submit to common council I.         | 2 | 4 | <i>Common council</i> , water commissioners to submit contracts to              | I,   | 2 | 4 |
| water commissioners to keep of waterworks fund.....II,                      | 3 |   | water commissioners to report to annually.....I,                                | 4    |   |   |
| <i>Board of water commissioners</i> , how composed.....I,                   | 1 |   | <i>Comptroller</i> , to keep account of waterworks fund.....IV,                 | 3    |   |   |
| <i>Bond</i> , water commissioners to give.....I,                            | 1 |   | to sign water bonds.....IV,                                                     | 3    |   |   |
| officers of waterworks to give.....I,                                       | 8 |   | <i>Contracts</i> , water commissioners to enter into.....I,                     | 4    |   |   |
| <i>Bonds (water)</i> , when to be printed.....IV,                           | 4 |   | who to make.....II,                                                             | 1    |   |   |
| when to be signed.....IV,                                                   | 5 |   | provisions concerning.....II,                                                   | 1, 2 |   |   |
| where to be hypothecated IV.                                                | 5 |   | <i>Counselor</i> (city), certificate of necessary for purchaser of land.....VI, | 3    |   |   |
| <i>Chief engineer of waterworks</i> , water commissioners to appoint.....I, | 5 |   | to assist water commisrs....VI,                                                 | 4    |   |   |
| qualifications of.....I,                                                    | 5 |   | <i>Delinquent property</i> , water not to be supplied to.....V,                 | 5    |   |   |
| salary of.....I,                                                            | 5 |   | <i>Delinquent water-tax bills</i> , how collected.....V,                        | 4    |   |   |
| ordinances in force to apply to.....III,                                    | 2 |   | <i>Executions against city</i> , water commissioners to pay....VI,              | 2    |   |   |
| <i>Commissioners</i> (see water commissioners).                             |   |   | <i>Expenditures for waterworks</i> , water commissioners to control.....I,      | 4    |   |   |
| <i>Common council</i> , water commissioners to submit plan to I,            | 4 |   |                                                                                 |      |   |   |

Conflicting ordinances repealed.

Voters not deprived of right to vote by change of ward lines.



|                                                                                            |                                                                             |            |
|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|------------|
| <i>Expenditures for waterworks, water commissioners to report to common council.....I,</i> | <i>Special tax attorney, to collect certain bills.....V,</i>                | <i>§ 4</i> |
| <i>Land commissioner, certificate of necessary before purchase of land .....VI,</i>        | <i>Superintendent of waterworks, when to surrender office, etc.....III,</i> | <i>1</i>   |
| <i>to assist water commissioners.....VI,</i>                                               | <i>Tax-bills for water-pipe, how made out.....V, 1, 2,</i>                  | <i>3</i>   |
| <i>Lands, how acquired for waterworks .....VI,</i>                                         | <i>how collected.....V,</i>                                                 | <i>4</i>   |
| <i>Map of waterworks, water commissioners to keep.....II,</i>                              | <i>interest on.....V,</i>                                                   | <i>4</i>   |
| <i>Mayor, to be water commissioner.....I,</i>                                              | <i>when delinquent.....V,</i>                                               | <i>4</i>   |
| <i>to sign water bonds.....IV,</i>                                                         | <i>Water commissioners, board of established.....I,</i>                     | <i>1</i>   |
| <i>Oath, to be taken by water commissioners.....I,</i>                                     | <i>salary of.....I,</i>                                                     | <i>1</i>   |
| <i>officers to take.....I,</i>                                                             | <i>bond of.....I,</i>                                                       | <i>1</i>   |
| <i>Officers, water commissioners to appoint.....I,</i>                                     | <i>qualifications of.....I,</i>                                             | <i>1</i>   |
| <i>qualifications of.....I,</i>                                                            | <i>oath to be taken by.....I,</i>                                           | <i>1</i>   |
| <i>to take oath and give bond I,</i>                                                       | <i>when to organize.....I,</i>                                              | <i>2</i>   |
| <i>Ordinance, when to take effect.....VI,</i>                                              | <i>record of subject to inspection.....I,</i>                               | <i>2</i>   |
| <i>conflicting, repealed.....VI,</i>                                                       | <i>to do business in central part of city.....I,</i>                        | <i>3</i>   |
| <i>Plan of waterworks, water commissioners to submit.....I,</i>                            | <i>general duties and powers of.....I,</i>                                  | <i>4</i>   |
| <i>Preliminary expenses, how provided .....IV,</i>                                         | <i>to make contracts for work and materials.....II,</i>                     | <i>1</i>   |
| <i>Purveyor, water commissioners to appoint.....I,</i>                                     | <i>to keep record of accounts, etc.....II,</i>                              | <i>3</i>   |
| <i>qualifications of.....I,</i>                                                            | <i>to keep map of waterworks, etc.....II,</i>                               | <i>3</i>   |
| <i>salary of.....I,</i>                                                                    | <i>ordinances in force to apply to.....III,</i>                             | <i>2</i>   |
| <i>ordinances in force to apply to.....III,</i>                                            | <i>to examine accounts monthly.....III,</i>                                 | <i>4</i>   |
| <i>Register of water-rates, when to surrender office, etc.....III,</i>                     | <i>may provide water-meters III,</i>                                        | <i>5</i>   |
| <i>Registrar, water commissioners to appoint.....I,</i>                                    | <i>to report to comptroller.....IV,</i>                                     | <i>3</i>   |
| <i>duties of.....I,</i>                                                                    | <i>to take certificate of title before purchasing lands.....VI,</i>         | <i>3</i>   |
| <i>salary of.....I,</i>                                                                    | <i>Water-meters, water commissioners may provide.....III,</i>               | <i>5</i>   |
| <i>ordinances in force to apply to.....III,</i>                                            | <i>Water purveyor (see purveyor).</i>                                       |            |
| <i>Rules, water commissioners to make and publish.....I,</i>                               | <i>Water-pipes, cost of, how assessed.....V, 1, 2,</i>                      | <i>3</i>   |
| <i>Salary, of water commissioners.....I,</i>                                               | <i>Water registrar (see registrar).</i>                                     |            |
| <i>of chief engineer .....I,</i>                                                           | <i>Waterworks, to be under charge of water commissioners.....I,</i>         | <i>4</i>   |
| <i>of purveyor.....I,</i>                                                                  | <i>commissioners to submit plan for.....I,</i>                              | <i>4</i>   |
| <i>of registrar.....I,</i>                                                                 | <i>Waterworks-extension fund, what to constitute.....IV,</i>                | <i>1</i>   |
| <i>Secretary, water commissioners to elect.....I,</i>                                      | <i>to be deposited in bank.....IV,</i>                                      | <i>6</i>   |
|                                                                                            | <i>what to be credited and charged to.....III, 3; IV,</i>                   | <i>2</i>   |

*Be it ordained by the Common Council of the City of St. Louis :*

#### ARTICLE I.

#### *Water Commissioners.*

Water commissioners to be elected.

SECTION 1. In conformity with an act of the general assembly of the State of Missouri, entitled "An act to enable the city of

St. Louis to extend the waterworks thereof, and for other purposes," approved March 23, 1863, four commissioners shall be elected by the common council, who, together with the mayor, shall be styled the "Board of Water Commissioners." The four commissioners so elected shall each receive one thousand dollars per annum as full compensation for his services, and shall give a bond to the city of St. Louis, in the penal sum of fifty thousand dollars, with at least two acceptable securities, for the faithful performance of his duties. They shall be resident tax-payers of this city, and citizens of the United States, and shall not engage in any business or avocation that will interfere with their duties as water commissioners. In addition to the oath administered to city officers, each commissioner, before entering upon the duties of his office, shall take and subscribe an oath that he is not and will not become, directly or indirectly, interested in any land or lands necessary for the construction of new waterworks; that he will not become, directly or indirectly, interested in the sale of the securities of this city to be issued for new waterworks; and that he will neither be concerned nor interested pecuniarily in any work or trust hereby placed under his charge.

Salary of commissioners.

Bond to be given.

Qualifications.

Oath to be taken.

SEC. 2. The board of water commissioners shall organize annually by appointing one of its members to preside over its deliberations, and another to act as secretary, who shall make a faithful record of its proceedings, which shall be at all proper times subject to the inspection of the comptroller and the members of the common council.

Board to organize annually.

President and secretary to be appointed.

SEC. 3. The said board shall lease and occupy a suitable, safe building in the central part of this city, where, so far as practicable, all business connected with the construction and management of the waterworks shall be transacted.

Business to be transacted in building in center of city.

SEC. 4. The board of water commissioners shall have full charge and control of the construction and operation of the waterworks of this city, and it shall be the duty of said board:

Board to have charge of waterworks; duties of board.

*First*—To take cognizance of all matters pertaining to water supply.

*Second*—To prepare and submit to the common council, for its approval, at as early a day as practicable, a general plan, with an estimate of costs, for new waterworks which will afford a daily supply of at least twenty millions of gallons of clear and

wholesome water, and which will admit of extension to meet all probable future requirements.

*Third*—To appoint and employ all officers, agents, and servants required to construct and operate the waterworks.

*Fourth*—To make all needful rules and regulations to govern its own deliberations and the acts of its officers, agents, and servants, which rules and regulations shall be in conformity with law and ordinance, and which it shall cause to be revised and published annually.

*Fifth*—To enter into all contracts, in behalf of the city, that it may become necessary to make, and to report the same to the common council for approval.

*Sixth*—To exercise a rigid control over the expenditure of the funds placed in its hands, and to see that all approved plans and contracts are strictly executed.

*Seventh*—To report to the common council, at the first stated session in each fiscal year, a full and correct account of all its receipts, payments, and doings during the previous fiscal year; and, at the second stated session, a like account of the same during the first half of the fiscal year. Such report shall be accompanied by the statements and suggestions which the board may deem to be of interest to the city or necessary for a complete understanding of the affairs of the waterworks.

*Eighth*—To report to the common council, at the last meeting in each fiscal year, the probable amount of expenditures that will be required for waterworks purposes during the next fiscal year.

*Ninth*—To report to the common council, whenever called upon, all information in its possession relative to matters under its control; and generally to do all lawful acts necessary to render the waterworks complete, efficient, and economical, and to accomplish the objects for which the said board was created.

Chief engineer  
of waterworks  
to be appointed.

Qualifications  
of engineer.

Salary.

Water purveyor  
to be appointed.

SEC. 5. The said board shall, subject to the approval of the common council, appoint a civil engineer to take general charge of the construction and operation of the waterworks. He shall be styled the "chief engineer of the waterworks," and shall be well skilled in the construction and management of such works, and shall receive such a salary for his services as may be agreed upon by the board, not exceeding five thousand dollars per annum.

SEC. 6. The board shall appoint a water purveyor, who, in

subordination to the board and to the chief engineer, shall have general charge and management of the waterworks in operation for the time being. He shall be well skilled in the management of pumping-machinery and all the apparatus of water supply, and shall receive a salary of not exceeding eighteen hundred dollars per annum. Qualifications. Salary.

SEC. 7. The board shall appoint a water registrar, whose salary shall not exceed eighteen hundred dollars per annum, and who, under the supervision of the board, shall apportion and collect all water-rates and all taxes and charges assessed by the said board and common council appertaining to water supply. Water registrar to be appointed; salary.

SEC. 8. The said board shall prescribe the oath to be taken and fix the bond to be given by its officers, agents, and servants, and their commissions shall be signed by the president and secretary of the board. They shall be appointed to serve during good behavior, or until they shall be no longer required by the board; and, upon the honorable discharge of any commissioned servant, the president of the board shall, when applied to therefor, give a suitable certificate of such discharge. Board to prescribe oath and fix bond of officers. Officers, how appointed.

## ARTICLE II.

### *Materials and Supplies for Waterworks.*

SECTION 1. The doing of all work and the furnishing of all materials and supplies for the waterworks shall be let out by the board of water commissioners to the lowest and best bidder, except in cases where it is not practicable to have the work done by contract; and the consideration stipulated to be paid in all such contracts shall be money, unless it shall be otherwise directed by ordinance. Notice of all such lettings shall be published in the newspapers employed to do other city printing, and in newspapers at such other places as the board may deem requisite, at least sixteen times, and not less than twenty days before the day appointed for the opening of the bids. The notice shall state the kind and quantity of work to be done and the materials and supplies to be furnished, the place where the plans or specifications may be seen, and the time and place when and where the bids will be received. Each bid must be signed by the bidder, and must be accompanied by a statement, signed by the persons offered by the Work done and materials furnished to be by contract. Contracts, how let.



bidder as his securities, declaring their willingness to become such securities in the event of the contract being awarded to the bidder; and the bid must also be accompanied by a bond to the city of St. Louis, in the penal sum of two hundred dollars, signed by the bidder and a responsible security, and conditioned that, if the bid be accepted, the bidder shall enter into a written contract according to the terms of the bid, and at such time as the said board shall require. The bid, statement, and bond must be inclosed in a sealed envelope, and the bidder must state his place of residence and all other particulars that may be prescribed. The bids shall be opened by the president of the board, in the presence of the mayor, on the day mentioned in the notice, at the hour of twelve o'clock, noon.

Provisions to  
secure comple-  
tion of con-  
tracts.

SEC. 2. The performance of all contracts let out as aforesaid shall be secured by at least two responsible securities, to be approved of by the board, in the full amount of the contract, for all of the value of fifty thousand dollars and less; and for all of a greater value the board shall fix the amount of security to be given. If the person whose bid is accepted shall fail to enter into contract as aforesaid, the board may award the contract to the next lowest acceptable bidder, or may advertise for new proposals, as in the judgment of the board shall appear best for the interests of the city. Any bidder failing to enter into contract as hereinbefore required, or to fulfill any contract entered into by him with the city, shall not be allowed to bid again, directly or indirectly, for any city work, unless, for good cause shown, the common council shall remove this disability. All contracts, after being drawn up, shall be submitted to the city counselor, or, in his absence or disability to act, to the city attorney, for the approval of the form. They shall then be submitted to the common council for its approval, which shall be indorsed thereon; after which they shall be recorded in the office of the board, and abstracts shall be furnished to the comptroller. The board shall report to the common council all violations of contract, and may suspend the execution of any contract whenever the contractor shall fail to comply with the terms thereof, or with the proper directions of the board in relation thereto. Every contract made by the board as aforesaid shall contain a clause stating that the same is entered into subject to the ordinances

of the city and to the power of the board to suspend or annul the same for a failure on the part of the contractor to fulfill the same; and such suspension or annulment shall not affect the rights of the city to all damages and penalties claimable by it on account of the contractor's failure.

SEC. 3. The board of water commissioners shall examine all accounts presented to it for work done and materials and supplies furnished under contracts, and for land and other property purchased, and for services rendered, and shall cause the same to be paid when found to be correct. The board shall keep an exact and complete record of all accounts so paid; and, at the final payment made under any contract, a detailed statement of all the work done and materials and supplies furnished shall be entered upon the books; and, when the nature of the case will admit of its being done, complete detailed plans and drawings shall be recorded in an atlas to be kept for that purpose. All field and memorandum books and drawings, used and made for and during the construction of any part of the waterworks, shall be carefully filed and preserved in the office of the board. A connected map of the whole waterworks shall be made and preserved in the office of the board, upon which map shall be shown the size and location of the reservoirs, engine-houses, conduit and distributing pipes, stops, valves, fire-plugs, and the elevation above the city directrix of pipes at all street crossings and other proper places, as also the location and dimensions of all land held for waterworks purposes. The same shall be done, upon a large scale and more in detail, in atlas form.

Duties of board to keep accounts

Map of waterworks to be kept.

### ARTICLE III.

#### *Officers of Waterworks.*

SECTION 1. The superintendent of waterworks and register of water-rates shall surrender to the board of water commissioners all matters and things pertaining to the waterworks in their charge whenever notified so to do; and, upon full inventories of all property and effects so surrendered, they shall take receipts in duplicate from the said board, one of which receipts they shall each of them file with the city register, and they shall transmit the others to the common council; and the offices of superintendent

Superintendent and register to surrender matters to board, when.

Duties on surrendering office.

When their office shall cease. ent of waterworks and register of water-rates shall cease from and after the date of such surrender.

Ordinances to govern board of water commissioners. SEC. 2. All ordinances now in force relating to the waterworks department shall apply to and govern the board of water commissioners, chief engineer of waterworks, water purveyor, and water registrar, so far as the said ordinances are not inconsistent with the provisions of this ordinance, except article one of ordinance No. 4892, which is hereby repealed.

Certain moneys to be placed to credit of waterworks fund. SEC. 3. All money paid into the city treasury on account of water-rates, water attachments, water-pipe taxes, and local water tax, shall be placed to the credit of waterworks fund, and the

Certain expenses to be charged to waterworks fund. city treasurer shall make a special deposit of the same; and all expenditures authorized by ordinance for the laying of distributing pipes of six inches in diameter and less, and for laying all larger distributing pipes, to the amount of the water-pipe taxes assessed against property fronting thereon, and all the expenses of operating and repairing the waterworks, shall be paid out of said fund, except the salaries of the chief engineer of waterworks and board of water commissioners. Whatever balance shall remain to the credit of said fund shall be transferred to the trustees of the waterworks sinking fund, as provided by an act of the legislature entitled "An act to enable the city of St. Louis to extend the waterworks thereof, and for other purposes."

Duties of board concerning accounts. SEC. 4. The board of water commissioners shall, at its first meeting in every month, examine all accounts presented; and those found to be correct and properly chargeable to waterworks fund shall be so certified to by the board and transmitted to the city auditor, accompanied by requisitions for him to issue his warrants on the city treasurer for the amounts specified, and in the names of the parties to whom the accounts are due. Pay-rolls may be paid by the city auditor in the same manner as other city pay-rolls. The chief engineer of the waterworks, the water registrar, and other officers of the board, shall at the same time render a statement to the board of all collections received and expenses incurred during the past month in their respective departments.

Auditor to keep pay-rolls. SEC. 5. The said board may provide water-meters, and may attach the same to the service-pipes of water takers, in order to ascertain the quantity of water used by any water taker; and if

Provisions concerning use of water metres

the quantity so ascertained to have been used shall be greater than the estimated basis of the license of such water taker, calculated by the established rates per one hundred gallons, he shall be caused to pay for the surplus water used, at the established rates; and in default he shall be subject to all the penalties of delinquency. In case the meter shall indicate the quantity of water used to be less than the basis of the license, as above calculated, then the board shall cause the excess to be refunded by the same mode prescribed for other accounts chargeable to waterworks fund.

## ARTICLE IV.

*Expenses of Waterworks.*

SECTION 1. To defray the preliminary expenses that may be incurred by the board of water commissioners on account of the construction of waterworks, the board may draw upon the waterworks fund to the amount of twenty thousand dollars, which sum is hereby appropriated for that purpose from said fund; and the amount so drawn shall be restored to said fund so soon as there shall be in the hands of said board sufficient funds accruing from the sale or hypothecation of St. Louis waterbonds, hereafter to be issued.

Appropriations  
for preliminary  
expenses.

SEC. 2. The fund accruing from the sale and hypothecation of St. Louis water bonds, and from all other sources connected with the construction of waterworks, shall constitute the waterworks-extension fund; and all the expense of constructing waterworks, together with the salaries of the board of water commissioners and chief engineer of the waterworks, and the cost of all supply-pipes, over and above the amount assessed against the property adjoining thereon, shall be charged to and paid out of said fund.

Waterworks ex-  
tension fund,  
how constituted.

SEC. 3. All sums of money and evidences of debt accruing to waterworks-extension fund shall be specifically reported by the board to the city comptroller, who shall keep a correct account thereof; and for all sums of money paid out and evidences of debt given by said board, duplicate receipts shall be taken, one of which shall be carefully preserved in the office of the board, and the other shall be deposited with the city comptroller, who

Duties of comp-  
troller concern-  
ing waterworks  
fund.



shall at all times be made fully aware of the financial transactions of said board, and shall keep a record of the same.

Bonds to be printed on adoption of plan.

SEC. 4. After the adoption and approval of a plan for building new waterworks, the board of water commissioners shall cause to be printed three thousand blank bonds, of the denomination of one thousand dollars each, with sixty semi-annual coupons attached, in conformity with the act of the legislature hereinbefore mentioned; and the form of said blanks shall be submitted to and approved by the city counselor and comptroller before any of them shall be printed.

When bonds shall be signed.

SEC. 5. Whenever the common council, by resolution or otherwise, shall instruct the board of water commissioners to sell any St. Louis water-bonds, the mayor shall sign and the city comptroller and treasurer shall countersign the same, and the comptroller shall deliver them to the board, and take a receipt therefor. All sales and hypothecations of said bonds shall be made in the State of Missouri, and without any expense, fees, or commissions, unless it shall be specially directed otherwise by the common council.

How lands shall be hypothecated.

Board to deposit moneys with banker.

SEC. 6. The board of water commissioners shall make a contract with some responsible banking institution of this city for the safe deposit of all money accruing to the waterworks-extension fund, and for which the said institution shall give satisfactory personal security in the contract, which shall be submitted to the common council for its approval. The board shall cause all money coming into its hands to the credit of said fund to be immediately deposited with said institution, and shall keep duplicate bank-books of the same, one of which shall be placed in the keeping of the city comptroller, who shall, at all proper times, have free access to the financial records of the said board.

## ARTICLE V.

### *Water - Pipes.*

Cost of laying water-pipe, how assessed.

SECTION 1. Whenever the common council shall, by ordinance, direct the laying of a water-pipe, and the cost or any part of the cost thereof to be assessed as a tax against the adjoining lots, the board of water commissioners shall cause the pipe to be

laid, and the assessable cost thereof at the time such pipe was laid to be assessed and apportioned as a tax on the adjoining lots, in proportion to their frontage upon the pipe, and shall cause tax-bills to be made out therefor in the names of the owners of the lots so taxed. The tax-bills shall be signed by the president of said board, and shall be accompanied by a statement from the mayor that the cost of the pipe so assessed is not greater than the cost of a six-inch pipe.

SEC. 2. Whenever the common council shall assess a tax upon any property for the cost or part of the cost of a water-pipe now laid, the board of water commissioners shall cause the tax to be apportioned upon the property fronting upon the street, lane, or alley where the pipe is laid, and shall cause bills of such tax to be made out in the names of the owners of the lots, in proportion to the frontage thereof upon the pipe for which such lots are taxed, and the said bills shall be signed by the president of the board.

Tax for laying water-pipe to be apportioned.

SEC. 3. Whenever the common council shall assess a tax upon the property fronting upon any street, alley, or other way, where water-pipe is now or shall hereafter be laid, the city assessor shall cause the amount of the tax to be made out in his books and entered in a column which shall be headed "local water-tax," and the amounts so entered shall be opposite the names of the owners of the property so taxed. The board of water commissioners shall cause the bills for the said tax to be made out from the books of the city assessor, which bills shall be in the name of the owner of the property described therein, and shall be signed by the president of the said board.

Tax for laying water-pipe, how charged.

SEC. 4. The tax-bills mentioned in sections one, two, and three of this article shall be delivered to the water registrar, and he shall collect them at his office. Immediately upon the receipt of any of the said bills, the water registrar shall give public notice of the fact by making a publication in the newspapers doing other city printing, which publication shall be repeated at least five times. The amount of the said bills shall bear interest at the rate of ten per cent. per annum from the date of issue, if not paid within three months thereafter; and if not paid within four months, they shall be declared delinquent by the water registrar, and shall be delivered to the special city tax attorney, who

Register to collect water-tax bills.

Interest on water-tax bills.

When delinquent.

Delinquent, tax attorney to collect.

shall proceed to collect them in the manner provided for the collection of other delinquent city taxes. The said attorney shall account to the water registrar for all collections made on account of said tax-bills.

Delinquent property not to be supplied with water.

SEC. 5. No property, while delinquent as above mentioned, shall be supplied with water from the waterworks, and the water licenses taken out therefor shall be forfeited.

## ARTICLE VI.

### *Water Commissioners.*

Proceedings to obtain lands for waterworks.

SECTION 1. Immediately after the adoption of the general plan of the new waterworks, the board of water commissioners shall purchase all the lands and easements needed for the construction of the new works, and all such purchases shall be made with a proviso that they shall not be binding upon the city until they shall be approved by the common council; and if the board cannot agree upon the price to be paid with and to the owners, the board shall take possession of the property after having given the owners due notice thereof. Whenever said owners shall apply to the circuit court for an assessment of damages, the board, in the name of the city of St. Louis, shall cause a tender to be made to such applicant of a sum of money which the board shall deem to be a just equivalent for his damages and costs.

Board to pay executions against city.

SEC. 2. The board shall cause to be paid all executions lawfully issued against the city on account of the waterworks.

Purchases of land, how to be made.

SEC. 3. The purchases mentioned in section one of this article shall only be made when the city counselor and land commissioner, after a careful investigation, shall have given a certificate of the title to the property.

City counselor and land commissioner to assist board.

SEC. 4. The city counselor and land commissioner shall attend, on the part of the city, to all suits in court connected with the waterworks; and the said officers shall render to the board of water commissioners all legal advice, assistance, and services that shall be required by said board.

When ordinance to take effect.

SEC. 5. It is hereby expressly provided that sections one and two, the first, second, fourth, and ninth subdivisions of section four, and section five, of the first article of this ordinance, shall take effect and be in force from and after its approval; and the

remaining articles, sections, and provisions of this ordinance shall take effect and be in force from and after the adoption and approval by the common council of a plan for new waterworks, to be reported and submitted by the board of commissioners established by this ordinance.

SEC. 6. All ordinances, so far as they conflict with the provisions of this ordinance, are hereby repealed. Ordinances conflicting repealed.

Approved, June 23, 1864.

( No. 5415. )

## WATERWORKS DEPARTMENT.

### AN ORDINANCE IN ESTABLISH AND REGULATE THE WATERWORKS.

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*Be it ordained by the Common Council of the City of St. Louis:*

## ARTICLE I.

### *Waterworks Committee.*

Waterworks department established; to be under control of waterworks committee.

SECTION 1. A department of the city government is hereby established, to be called the "Waterworks Department," which shall be under the control and management of a committee of the common council, to be styled the "waterworks committee."

Waterworks committee, how composed.

SEC. 2. Said committee shall consist of five members, one of whom shall be from the First and Second wards, one from the

Third and Fourth wards, one from the Fifth and Sixth wards, one from the Seventh and Eighth wards, one from the Ninth and Tenth wards, to be elected by a ballot from the members of the common council. The superintendent of waterworks and the register of water-rates shall be, *ex officio*, members of said committee, but shall have no vote in its proceedings. Said committee shall meet on the first Monday of each month, and oftener if the business of the department should require it. They shall elect a chairman, and the register of water-rates shall act as secretary thereof and keep an accurate record of their proceedings.

Meetings of committee.

Secretary of committee.

SEC. 3. It shall be the duty of said committee to take cognizance of all matters pertaining to the waterworks of the city; to report to the council upon all petitions and ordinances in relation to waterworks; to fix the salaries of the employees of the waterworks department, including the engineers and firemen employed in said department; to exercise a strict control over the receipts and expenditures of the department, and to perform such other duties as may be prescribed by the common council. And all bills for materials furnished and work done, including every form of expenditure in said department, shall, before the same are paid, be presented to said committee for their approval, and, if approved, shall be signed by the chairman.

Duties of waterworks committee.

SEC. 4. There shall be an account kept by the auditor, which account shall be denominated the "waterworks fund;" and all receipts into the city treasury, whether from the collection of water-rates, the proceeds of the sale of bonds issued for the extension of waterworks, building or repairing reservoirs, or the purchase of pipe, or from any other source connected with the management and operation of the waterworks, as also all appropriations of the council for any purpose connected with the waterworks, shall be placed to the credit of said fund; and all expenditures authorized by ordinance, and all salaries and disbursements connected with the management and operation of the waterworks, shall be paid out of said fund in the manner following:

Waterworks fund, how kept.

*First*—The interest on bonds heretofore issued on account of waterworks, which interest shall not exceed twenty-five thousand dollars in any one year; and all interest on bonds that shall be issued hereafter for waterworks purposes.

How paid out.



*Second*—The current expenses of collecting water-rates, and the salaries of officers connected with the department.

*Third*—Expenditures authorized by ordinance.

Waterworks committee to examine accounts.

Register to furnish statement of moneys.

Superintendent to furnish statement of expenses.

SEC. 5. Said committee shall, on the first meeting in each month, examine the accounts of the department. The register of water-rates shall furnish the committee with a full statement, for the month next preceding such meeting, of all moneys collected by him and the amount paid into the treasury. And the superintendent of waterworks shall furnish a statement to said committee of all expenses incurred in operating, repairing, and extending said waterworks, which shall be entered on record by the secretary of said committee.

Payment for waterworks to be out of waterworks fund.

SEC. 6. All existing ordinances relating to waterworks, which provide for appropriations from any special fund, shall be so amended as to require payments to be made from the waterworks fund.

## ARTICLE II.

### *Superintendent of Waterworks.*

Superintendent of waterworks to be appointed.

Duties of superintendent.

SECTION 1. There shall be a superintendent of waterworks, to be appointed and confirmed as other city officers.

SEC. 2. It shall be the duty of the superintendent of waterworks:

*First*—To take charge of and exercise a general supervision over the waterworks, and everything appertaining thereto or used in supplying the city with water, and to examine constantly into the condition thereof and to see that the same are kept in good order and repair, and to superintend all additions made to said works, and execution of all contracts concerning the same.

*Second*—To make all drawings, plans, and estimates required for any work to be done about the waterworks.

*Third*—To test, and approve or reject, any pipes or other materials furnished for the waterworks.

*Fourth*—To report to the common council, two weeks before each stated session, a general statement of all the affairs of the office, showing the condition of the waterworks, the whole amount of the appropriations for the same, and the disbursements of such appropriations, and all such other information as the council may

require or he may deem of interest to the city; which report shall be laid before the council at its ensuing session.

SEC. 3. Whenever the superintendent of waterworks shall, Superintendent to report cost of supply-pipe. under authority of ordinance, lay a supply of water-pipe on any highway or other way in the city of St. Louis, upon the completion of the work he shall report the total cost of the work done, including all labor and material, to the city engineer; and in case the pipe is larger than a six-inch pipe, then he shall report such a proportion of the cost of the pipe as shall be equivalent to the cost of a six-inch pipe, including the labor and materials, to the city engineer; and he shall also report such other information as the city engineer may require. The reported Cost to be assessed against owners of lots. cost of such pipes, including the labor and materials, shall be assessed as a special tax against the owners of the lots of ground fronting on the way wherein the pipe shall have been laid, in accordance with law. As soon as such pipe shall have been laid the city engineer shall make out tax-bills against the owners of the said lots of ground, in proportion to the frontage thereof; Bills to be signed by engineer and mayor. the said bills shall be signed by the city engineer, and shall be accompanied by a statement from the mayor that the cost of the pipe so assessed is not greater than that of a six-inch pipe; Tax-bills, how collected. the tax-bills shall then be delivered to the register of water-rates, and he shall collect them at his office; upon the receipt of said bills the register of water-rates shall give public notice of the fact by publication in the newspapers employed by the city to do other city printing, which publication shall be repeated at least five times; the said bills shall bear interest at the rate of Interest on tax-bills. ten per cent. per annum from the date of issue, if not paid within three months thereafter; and if they shall not be paid within four months, they shall then be declared delinquent by When delinquent. the register of water-rates, and he shall deliver them to the special city tax attorney, who shall proceed to collect them in the manner provided for the collection of other delinquent city Delinquent bills, how collected. taxes; the said attorney shall account to the register of water-rates for all collections on account of said tax-bills, who shall pay into the city treasury all moneys received by him on account of said bills, and the same shall be credited to waterworks fund on the books of the auditor.

SEC. 4. All hydrants, pipes, and fixtures laid down for the use

Hydrants, etc.,  
to be at expense  
of owners.

of individuals, and connected with the waterworks, shall be laid down at the expense of the owner, under such regulations as the waterworks committee may prescribe.

Regulations  
concerning hy-  
drants.

SEC. 5. To all such hydrants the superintendent shall see that stop-cocks are attached, which shall be put in a convenient place in a public highway, if practicable, and be covered with an iron plate, on which shall be cast the letter "W."

Superintendent  
to keep map of  
waterworks, etc.

SEC. 6. The superintendent shall keep a corrected map of the city, on which shall be marked and designated the location of all buildings, reservoirs, cisterns, pipes, valves, and fire-plugs connected with the waterworks, which shall be altered from time to time, as circumstances may require; and also an atlas, containing a plat of each block of the city in which any water-pipe is laid, on which shall be designated the location of the buildings on each block, and of hydrants, fire-plugs, valves, and other things connected with the waterworks, and any other information necessary to exhibit the whole detail of said works; and also accurate and minute drawings of the buildings, reservoirs, machinery, and other appurtenances of said works.

Superintendent  
may enter in-  
closures, etc.

SEC. 7. The superintendent shall have power, in the discharge of his duties, to enter into any house, lot, inclosure, or other premises, and to take up any pavements, when necessary for the laying down or repairing of any pipe, replacing such pavement in a proper manner.

Duty of super-  
intendent in  
case of fire.

SEC. 8. Upon the happening of a fire in any part of the city the superintendent shall see immediately that a full supply of water is kept in the reservoir of the waterworks.

Notice to be  
given on stop-  
ping off water.

SEC. 9. In any case when it is necessary to stop off the supply of water from the reservoir the superintendent shall give public notice of the contemplated stoppage, in the newspapers employed by the city.

Coal for water-  
works, regula-  
tions for obtain-  
ing.

SEC. 10. The coal necessary for the use of the waterworks shall be furnished by contract, by the year, unless otherwise ordered by the committee on waterworks; and the superintendent shall give two weeks' notice, by handbills, or by papers doing the city printing, that sealed proposals will be received, at a certain time designated, for supplying the quantity of coal needed; and a sufficient number of such handbills should be left with each weigher of hay or stone-coal to deliver one to each coal-wagon

coming into the city; said sealed proposals shall be opened by the superintendent of waterworks, in the presence of the mayor and committee on waterworks; and the lowest bidder, taking into consideration the quality of the coal, shall receive the contract, provided he give good security, to be approved by the waterworks committee, for the fulfillment of the contract; and all contracts relating to waterworks shall be made subject to the approval of the common council.

Contracts to be approved by common council.

SEC. 11. The city police and all city officers are required to inform the superintendent of any violation of this ordinance, and to give the name of the person offending, if known to them; and likewise to inform him of any leakage or derangement of any part of the waterworks.

Duty of city officers to report violations of ordinances.

SEC. 12. Excavations for laying down pipe, filling up trenches made therefor, and replacing pavement, shall be let out to the lowest bidder, as in other cases of contracts—whenever, in the opinion of the waterworks committee, it shall be deemed expedient to do such work by contract.

Excavations for laying pipe, regulations concerning.

SEC. 13. The superintendent shall not erect any fire-plugs with more than one opening wherein hose can be attached.

Fire-plugs to have but one opening.

SEC. 14. It shall be the duty of every person using water from a hydrant, when such hydrant shall leak, to have the same repaired immediately, or to notify the superintendent of the waterworks of such leak, under a penalty of five dollars for failing so to do.

Duty to repair leaking hydrants.

### ARTICLE III.

#### *Plumbers' Work.*

SECTION 1. Any plumber desirous of introducing water from the waterworks to any house or other place shall first procure a permit and number from the superintendent of waterworks for each and every opening required, and said superintendent and the register of water-rates shall determine the size of all attachments to be made. No plumber or other person will be permitted to attach to any service-pipe or water-main unless licensed by the superintendent of waterworks; and no license shall be granted to any individual until a satisfactory certificate from at least two respectable plumbers of the city of St. Louis is given to him, testifying that the applicant is a competent plumber, and qualified

Plumbers to procure permits.

Licensed plumbers only to have permits

To whom license shall be granted.



to receive a license and do plumbers' work in a satisfactory, workmanlike manner.

Amount to be paid for attachments.

SEC. 2. For every attachment made by order of the superintendent of the waterworks there shall be charged for the use of the city the sum of two dollars on the granting of the permit by the superintendent of waterworks, said money to be paid by the applicant to the register of water-rates, taking two receipts from said register, one to be filed by the superintendent and reported in his semi-annual report to the city council, the other to be retained by said applicant. The money thus collected shall be paid to the treasurer of the city, monthly, by the register, and credited by the city auditor to waterworks fund.

Service-pipe, how deep to be laid.

SEC. 3. All lead service-pipe placed in connection with the waterworks, under ground, either in the street, alleys, or on private property, shall not be less than three feet below the surface of the ground.

Service-pipe, regulations concerning.

SEC. 4. Said service-pipe shall be what is known as extra-strong pipe, and weigh, per linear foot, as follows, to-wit: half-inch diameter, two pounds seven ounces per foot; five-eighth-inch, three pounds per foot; three-fourths-inch, three pounds ten ounces per foot; one-inch, four pounds twelve ounces per foot; one-and-a-fourth-inch, six pounds; one-and-a-half-inch, seven pounds two ounces; one-and-three-fourths-inch, eight pounds four ounces; two-inch, nine pounds eight ounces; two-and-a-half-inch, sixteen pounds twelve ounces. Service-pipe in buildings above ground may, at the option of parties interested, be what is known as strong pipe, and weigh as follows, per linear foot: five-eighth-inch diameter, two pounds eight ounces per foot; three-fourths-inch diameter, three pounds; one-inch diameter, four pounds; one-and-a-fourth-inch diameter, four pounds eight ounces; one-and-a-half-inch diameter, six pounds four ounces; one-and-three-fourths-inch diameter, six pounds eight ounces; two-inch diameter, eight pounds. All service lead pipe of lighter weight than the above are strictly prohibited. Wrought-iron pipe can only be used above ground, except by special permission from superintendent of waterworks.

Excavations to be made under direction of engineer.

SEC. 5. All excavations for service-pipe, in any public street or alley, shall be made according to the instructions or regulations of the city engineer.

SEC. 6. Should any street, alley, or highway be left open or unfinished for the space of twenty-four hours, or should the work be done contrary to the regulations herein specified, the superintendent of waterworks shall proceed and finish the same and charge the expense thereof to the plumber doing the work, which expense shall be paid by said plumber previous to his receiving another permit.

Superintendent  
to finish certain  
work.

SEC. 7. There shall be a stop-cock attached to each hydrant, branch-pipe, or other fixture for the distribution of water from the waterworks. It shall be placed, in streets, on the sidewalks, within one foot of the curbstone; and in alleys, within one foot of the side line of same. All other pipes branched to or connected with a public or private branch or stop-cock shall be attached in a convenient and accessible place, within three feet of the hydrant or draw-cock, so that the water in one branch can be shut off without affecting another; and each house shall have a separate hydrant and stop-cock; and all stop-cocks shall be at least three feet below the surface of the ground, and outside of the building.

Regulations  
concerning  
stop-cocks,  
pipes, etc.

SEC. 8. All stop-cocks, without exception, shall have a strong and suitable (T) head, and no other description will be permitted to be used. They shall be inclosed in a case of wood or iron, built up even with the surface, and to have a cast-iron frame, three inches square, with a lid fitted thereto so that it can not be thrown off. When stop-cocks can not be placed in the sidewalks on account of vaults built under them, then the stop-box must be made of iron, three inches inside at the top, with a flange at the bottom to prevent their rising by the frost, to be placed in the street, clear of the gutter, and have a cast-iron lid, with prongs, six inches deep, to keep it in its place, similar to patterns furnished by the superintendent of the waterworks. It shall be the duty of the register of water-rates to see that the stop-boxes are kept in good order and repair; and, when necessary, to notify parties owning or tenants of the premises of the condition of the same, with a view to their repair or renewal, etc.; and should the parties so notified refuse or neglect to renew or repair the same as may be directed by the register of water-rates, it shall be the express duty of the register of water-rates to refuse a license for the use of water until such directions are complied with.

Further regula-  
tions concern-  
ing stop-cocks  
and boxes.

Valves and stop-boxes not to be disturbed on repairing streets, etc.

SEC. 9. Parties paving streets, alleys, or sidewalks, or repaving or repairing the same, are expressly forbid from destroying or covering up any valve or stop-box attached to the waterworks, under a fine of not less than five nor more than twenty dollars for each and every offense, to be recovered as in other violations of city ordinances, except in case of city contractors doing work for the city; in which case the city engineer, on being notified of the same, shall deduct from all moneys going to said contractors the expense of removing or repairing the same.

Regulations for shutting off water, etc.

SEC. 10. No person is permitted to let on or shut off water from any pipe or main of the waterworks, except the proper officer of the department; and no one except those employed by the superintendent will be permitted to drill the pipes; and no ferrule shall be inserted that will penetrate the bore more than one-eighth of an inch, and shall also accurately conform in shape to the drill used.

Water to be shut off for waste, etc.

SEC. 11. No hydrant, water-closet, or other attachment to the waterworks shall be left running to waste; and it shall be the duty of the superintendent of waterworks and register of water-rates, where such waste takes place, to turn off the water from the premises. In all cases where the water has been turned off for waste, non-payment of license, or violation of the rules and regulations of the waterworks department, and found on again, the register may cause the ferrule to be drawn from the street-main, and it shall not be reinserted until all back water-rates are paid, and ten dollars additional for drawing and replacing the ferrule.

Fire-plugs to be used in case of fire only, except by board of health.

SEC. 12. No person shall be permitted to use the fire-plugs of the city except for the extinguishment of fires, washing hose apparatus, or similar purposes, except under the order of the board of health, when deemed necessary for the sanitary condition of the city, under a penalty of not less than five nor more than fifty dollars; and the register may permit the use of water for the purpose of consolidating the fillings of public highways made by the order of the city engineer.

Penalties.

SEC. 13. Any plumber or other person who shall lay down any pipe, set up or repair any hydrant, or do any other act contrary to the spirit and intent of article third of this ordinance, or willfully let run any water-closet, hydrant, drain-cock, or fire-

plug, whereby the water from the waterworks shall be wasted, shall be fined, on conviction thereof, not less than five nor more than fifty dollars, to be collected as other penalties.

## ARTICLE IV.

*Water-Rates Office.*

SECTION 1. The mayor shall appoint a register of water-rates, who shall be confirmed by the board of common council, and shall hold his office for one year from the second Monday in June in each year (unless sooner removed), and shall keep his office in the city hall, and give bond, to be filed with the city register, with three sureties, to be approved by the mayor, in the penal sum of ten thousand dollars, conditioned for the faithful performance of the duties required by law and ordinance.

Register of water-rates to be appointed.

Term of office of.

Bond of.

SEC. 2. Any person desiring the use of water from the waterworks shall apply to the register at his office, whereupon he may send an inspector to inspect the premises, who shall report upon oath the condition of all the hydrants, cocks, water-closets, and other fixtures; and, if the same shall be found in complete order and of approved quality and kind, he may issue a license; but, if found otherwise, no license shall be issued until the defects have been corrected. The inspector shall, in like manner, inspect the premises for which licenses are issued once in every three months; and when defects are found which result in a waste of water, or when persons are found guilty of a needless and willful use of water, the license issued shall be forfeited, and the water shall be turned off until a new license shall have been granted; and offenders may also be proceeded against as otherwise provided. The license shall state specifically the purpose and time for which the license is granted, the number of the hydrant and that of the block, and, as near as may be, the number of the building to which the hydrant is attached, and its position in the block; also, the amount paid; and upon the back of said license shall be printed a synopsis of the regulations concerning the use of water from the waterworks.

Application for water to be made to register.

Inspector to examine premises.

Licenses for water, what to contain.

SEC. 3. It shall be the duty of the register of water-rates to have the care and safe-keeping of all the books and papers belonging to his office, and to attend to the collection of water-

Duties of register of water-rates.



rates. He shall also cause to be made and kept in his office a full and complete record of all hydrants and attachments of every kind connected with the waterworks, by blocks, numbering the hydrants in each block separately; and also designate, by the number or otherwise, the tenement in which said hydrants or attachments are used, specifying the number of baths, water-closets, or other attachments, in each tenement; and hereafter, when any new hydrants or attachments of any kind are made, he shall record the same in the registry of hydrants, under its appropriate block. It shall also be the duty of said register, at the opening of each stated session of the common council, to report to that body the amount of money collected for water-rates since the first day of the preceding session of said council, with a detailed statement showing from what sources the same has been derived. The said register shall pay into the city treasury, weekly, all money received by him, and file the receipt with the auditor; and at the end of every month he shall report to the auditor, under oath, all money received by him for licenses, and the payments made by him into the city treasury, and at the same time settle with the auditor, producing all the blank licenses in his hands. He shall receive from the city register blank licenses, signed by the city register, for which he shall give said city register duplicate receipts, one of which shall be delivered to the auditor and the other retained in the city register's office. The register of water-rates shall devote his whole time and attention to the discharge of his official duties, and shall engage in no other business, during his term of office, that will interfere therewith.

Register may  
appoint clerks.

SEC. 4. The register of water-rates shall, with the approval of the mayor, appoint competent clerks, who shall be styled the "register of water-rates' clerks," whose duty it shall be to render the register such assistance as he shall require of them.

Water to be  
shut off for non-  
payment of li-  
cense.

SEC. 5. Whenever a license expires, and notice has been given to renew, if not complied with within five days the water shall be shut off.

Inspectors of  
hydrants to be  
appointed.

Their duties.

SEC. 6. Four inspectors of hydrants shall be appointed by the register of water-rates and confirmed by the committee on waterworks, whose duty it shall be to visit and inspect all hydrants and other attachments, and see that the same are in good order and properly inclosed; they shall report to the register any hydrants

not properly inclosed, any waste of water, leaking pipes or hydrants, persons using water without license, or any other violation of this ordinance that may come to their knowledge; they shall serve all notices issued by the register; and, when required by the register, shall shut off the water from any hydrant for which the license is unpaid; they shall report to the register the location of all new buildings on any street or alley where water-pipe has been laid, in order to the entry of the same upon the register's record and atlas; in all cases where meters are used they shall note the consumption of water as indicated thereby and report the same to the register; and shall perform such other duties as may be required of them by the register.

SEC. 7.\* The register of water-rates is hereby instructed to collect from all persons who use the water from the city water-works the water-rates as established by law.

#### ARTICLE V.

##### *Water-Rates.*

SECTION 1. All licenses shall be issued for one year, unless the applicant request the same to be issued for six months, which may be done. The rates assessed shall in all cases be paid in advance; and said license shall be dated on the first day of the month in which the same is granted.

Licenses, how  
to be issued.

SEC. 2. Any license may be transferred by the consent of the register, who shall note such transfer upon the back of the license and upon the record in his office: *Provided, however*, that no such transfer shall be made if the transferee have a larger family or a greater use for the water than the person to whom the license was issued. Any person holding a water license who may remove from the place for which the same was granted, and who shall notify the register thereof within three days thereafter, may have the benefit of the unexpired term of his license at his new location; and the fact of such removal shall be noted by the register on the license and upon the record in his office. Should any person holding a water license be deprived of the use of the water by fire, the register may, upon the application therefor,

How licenses  
may be trans-  
ferred.

Licenses for wa-  
ter may be re-  
funded in case  
of fire.

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\* This is section one of ordinance No. 5360, approved July 6, 1864.

pay back an amount proportionate to the time said license has to run, taking a receipt therefor, which receipt shall be credited to the register in his quarterly settlement with the auditor.

Fire companies may use water for washing engines, etc.

SEC. 3. The regularly-constituted fire companies of the city shall, at all times, have liberty to use water from the fire-plugs, for the purpose of cleaning, washing, or testing their engines or other apparatus.

Penalty for permitting use of water without license.

SEC. 4. Whoever, having a water license, shall use or suffer to be used the water from the hydrant designated in his license for any other purpose than that specified therein; or shall suffer any person not licensed to use water from such hydrant without informing the register of water-rates thereof; or shall suffer such hydrant to remain exposed to public use; or shall suffer or permit any unnecessary waste of water therefrom; or shall negligently suffer the water to run from the same without being used, shall forfeit and pay not less than five nor more than fifty dollars; and it is hereby made the duty of all street inspectors and policemen to report to the register of water-rates any and all breaches of this section of this ordinance.

Street inspectors and policemen to report violation of this section.

Using water without license.

SEC. 5. Whoever shall, himself or by any of his family, or by any of his agents or servants, use the water from any part of the waterworks without license; or shall, without lawful authority, open any fire-plug, stop-cock, valve, or other fixture appertaining to said works; or shall let on or shut off water into or from any pipe without the authority from the superintendent of waterworks or register of water-rates; or shall injure, deface, or impair any part or appurtenances of the waterworks; or shall throw or cast anything into the reservoir of said works, shall forfeit and pay not less than five dollars.

Injuring waterworks.

Penalty.

Water-rates.

Residences.

SEC. 6. The following rates for the use of water from the waterworks for one year are hereby established: For residences occupied by one family only—house with four rooms or less, five dollars; house with five or six rooms, six dollars; house with seven or eight rooms, seven dollars; house with nine or ten rooms, eight dollars; house with eleven or twelve rooms, nine dollars; house with thirteen or fourteen rooms, ten dollars; house with fifteen or sixteen rooms, eleven dollars; house with seventeen or eighteen rooms, twelve dollars; house with nineteen or twenty rooms, thirteen dollars; houses with more rooms, to be assessed

at the same rate. Hotels, boarding-houses, and tenements occupied by more than one family, or for sleeping-rooms, one dollar and fifty cents per room: *Provided*, no license shall be issued for said hotel, boarding-house, or tenement, for a less sum than at the rate of ten dollars per annum. Bath, private (with heating apparatus), five dollars; without heating apparatus, three dollars; public baths, fifteen dollars; plugs or hose for washing windows and sidewalks, for a front of twenty-five feet or less, five dollars, and at the same rate for a greater number of front feet: *Provided*, that no license for bath or hose shall be issued for less than twelve months. Water-closets, private, five dollars; public closets, ten dollars. For each barrel of beer brewed, five cents; for each barrel of liquor distilled, ten cents; for each barrel of whisky rectified, three cents; for each barrel of vinegar made, five cents; for each barrel of camphene, spirit-gas, or alcohol manufactured, ten cents; each barrel washed, five cents. The data of the last seven enumerated clauses to be on the oath of the applicant as to the number of barrels brewed, distilled, rectified, manufactured, or washed during the twelve months preceding the issue of license under this ordinance. When the applicant is commencing business he shall state the probable amount he intends to manufacture. For each dyer and scourer, not less than twenty-five dollars nor more than one hundred dollars; for each hat manufacturer, not less than thirty dollars nor more than one hundred dollars; for each horse kept by a private person, three dollars; for each sale or livery stable, two dollars per stall; and for every carriage, whether kept for hire or by the month, two dollars, and, where a hose is attached, not less than fifty dollars for said hose; for each bakery, not less than ten dollars nor more than fifty dollars for each oven; for each confectionery or candy manufactory, not less than fifteen dollars nor more than seventy-five dollars; for each soap-and-candle manufactory, not less than one hundred dollars nor more than one thousand dollars; for each porter, ale, or wine cellar, not less than twenty dollars nor more than fifty dollars; for each sugar refinery, not less than three hundred dollars nor more than three thousand dollars; for each laboratory, not less than twenty dollars nor more than two hundred dollars; for each dramshop or restaurant, not less than twenty-five dollars nor more than one hundred

Hotels, etc.

Baths.

Plugs for washing windows, etc.

Water-closets.

Beer; liquor.

Whisky, rectifying.

Vinegar, making; alcohol, manufacturing.

Washing.

Dyer and scourer.

Hatter.

Horses.

Carriages.

Hose for stables.

Bakery.

Confectionery.

Soap and candle factory.

Ale and wine cellars.

Sugar-refinery.

Laboratory.

Dram-shop or restaurant.



|                  |                                                                       |
|------------------|-----------------------------------------------------------------------|
| Beer-house.      | dollars ; for each beer-house, not less than twenty dollars nor more  |
| Tobacco factory. | than fifty dollars ; for each tobacco factory, for each person        |
|                  | employed therein, two dollars, provided that no license shall be      |
| Sprinkling gar-  | issued for less than fifteen dollars. The use of water for sprink-    |
| dens.            | ling private gardens, with hose, for six months, not less than five   |
|                  | nor more than fifty dollars ; for sprinkling public gardens, or       |
| Fountains.       | those used for profit or gain, not less than twenty dollars nor more  |
|                  | than one hundred and fifty dollars ; for each fountain in a yard,     |
|                  | not less than twenty-five dollars nor more than one hundred and       |
|                  | fifty dollars for six months, provided that no fountain attach-       |
|                  | ment shall be greater than half an inch, and no fountain shall        |
| Gasworks.        | play more than four hours per day ; for St. Louis gasworks, not       |
|                  | less than five hundred nor more than two thousand dollars ; for       |
| Book-binderies.  | each book-bindery, not less than ten dollars ; for each stock-yard,   |
| Stock-yards.     | not less than twenty-five dollars nor more than five hundred dol-     |
| Packing-house.   | lars ; for each packing-house, not less than forty dollars nor more   |
| Slaughter-house  | than five hundred dollars ; for each slaughter-house, not less than   |
| Washing meat.    | twenty-five nor more than five hundred dollars ; [for] washing        |
| Barber-shops,    | meat, not less than fifty nor more than five hundred dollars ; bar-   |
|                  | bers' shops, for one chair, ten dollars, and for each additional      |
| Tanneries.       | chair, three dollars ; tanneries, six dollars for each vat, provided  |
| Brick-yards.     | no license shall be issued for less than twenty-five dollars ; brick- |
| Blacksmiths.     | yards, for each gang of hands, twenty dollars ; blacksmith-shop,      |
| Cows.            | per fire, three dollars ; cow-stables, one dollar for each cow ;      |
| Stores, etc.     | stores, shops, and offices, not less than five dollars nor more than  |
| Laundries.       | thirty dollars ; for each laundry, not less than twenty dollars nor   |
| Soda factory.    | more than three hundred dollars ; for each soda-factory, not less     |
|                  | than forty dollars nor more than three hundred dollars ; for each     |
| Starch factory.  | starch-factory, not less than fifty dollars nor more than two hun-    |
| Malting.         | dred dollars ; for malting, one cent per bushel ; for every square    |
| Plastering, ma-  | yard of plastering, one-half cent ; for each perch of stone           |
| sonry            | masonry, five cents ; for every thousand of brick laid in wall,       |
| Bricklaying.     | ten cents. The register of water-rates shall require any person       |
|                  | applying for a license for building purposes to furnish him a         |
|                  | statement of the amount and kind of work to be done, which            |
|                  | shall be sworn to, and which statement shall be kept in a book        |
| Sprinkling       | to be provided for that purpose by said register. For sprinkling      |
| streets.         | streets there shall be charged fifteen dollars for that portion of    |
|                  | a street embraced between two cross-streets, and shall date from      |

the first of March, and be for not less than one year; and any person holding such license shall be compelled to put his own attachment and keep the same in order and free from waste; and a failure to do so shall create a forfeiture of such licenses. For Steam boilers. steam-boilers, a water-rate not less than forty cents per square foot of fire-surface shall be charged; the fire-surface to be computed by the area of the boiler and flues exposed to the fire (this rate shall apply only to boilers used during the night as well as day, and a proportionate deduction shall be made by the register of water-rates on such as are used only a portion of time); a statement to be made by the applicant of the construction and use of said boilers, and filed in the office: *Provided, however*, that no such license shall be issued for less than twenty-five dollars; *and provided further*, that no charge shall be made for hands working in founderies, machine-shops, iron-works, rolling-mills, nail-works, printing-offices, cotton, hemp, rope, or bagging factories, and all other manufacturing establishments where no extra quantity of water is used, where a boiler license is paid by said establishment for the use of water for the same.

Billiard-saloons, three dollars per table. Billiard saloons. The register of water-rates shall have power to ascertain by meters the quantity of water used in any case; and any persons, proprietors of hotels, Register may use meters. boarding-houses, distilleries, breweries, manufactories, or other persons using a large quantity of water, shall also have power to place within their premises, at their own expense, sufficient water-meters, to be approved by the register, for the purpose of measuring the quantity of water used by them respectively; but all such meters shall be under the supervision, and at all times subject to the examination, of the inspector of hydrants. In all cases where such meters are used, the persons taking out license shall be charged the following rates, on the average estimated quantity of water used during the year, the year to be estimated three hundred days: When the quantity used averages five hundred gallons per day, or less, at the rate of six cents per one hundred gallons; when the quantity averages from five hundred to one thousand gallons per day, at the rate of five and two-third cents per one hundred gallons; when the quantity averages from one thousand to two thousand gallons per day, at the rate of five and one-third cents per one hundred Rates for water where meter is used.

gallons ; when the quantity averages from two thousand to three thousand gallons per day, at the rate of five cents per one hundred gallons ; when the quantity averages from three thousand to four thousand gallons per day, at the rate of four and two-thirds cents per one hundred gallons ; when the quantity averages from four to five thousand gallons per day, at the rate of four and one-third cents per one hundred gallons ; when the quantity averages from five thousand to six thousand gallons per day, at the rate of four cents per one hundred gallons ; when the quantity averages from six thousand to seven thousand gallons per day, at the rate of three and two-thirds cents per one hundred gallons ; when the quantity averages from seven thousand to eight thousand gallons per day, at the rate of three and one-third cents per one hundred gallons ; when the quantity averages from eight thousand to ten thousand gallons per day, at the rate of three cents per one hundred gallons ; when the quantity used exceeds ten thousand gallons per day, the price shall be fixed by the register of water-rates ; but in no case at less than two cents per one hundred gallons. Where a constant stream is to be supplied, the license shall be fixed by the register in accordance with the preceding rates per one hundred gallons.

Water obtained  
by condensing  
steam to be paid  
for.

SEC. 7. Water used for the purpose of rectifying or reducing liquors, manufacturing camphene, spirit-gas, and alcohol, or for any other purpose, shall be paid for at the established rate, whether it be obtained directly from the waterworks, or from the condensed steam of boilers fed with water from the waterworks, and the license for water for such boilers shall not warrant any secondary use of the water for the purpose above mentioned ; and for all buildings erected when the hydrant water from street gutters is used, the regular license shall be paid as though the water was taken direct from the waterworks.

Water from gut-  
ters to be paid  
for.

Water-rates not  
specially design-  
ated

SEC. 8. For the use of water for any purpose not herein specifically designated not less than ten nor more than one thousand dollars shall be charged, the same to be fixed by the register of water-rates. All the rates established for water licenses for various trades and purposes exclusively, and exclusive of rates chargeable for the boilers of steam-engines used on the premises and for the family use of the proprietor ; and when a hotel has public baths, laundry, bakeries, etc., attached

to it, license shall be taken out both for the hotel and other purposes.

SEC. 9. The register of water-rates shall in no case issue a license to any one for the use of water until he shall have ascertained from actual inspection, or from report to him by an inspector of hydrants, that the hydrant is so inclosed as to prevent persons having no license from using water therefrom without the knowledge of the person to whom license is granted; and the register shall cause the water to be shut off from all hydrants which are not inclosed in conformity of the provisions of this ordinance; and no license shall be issued on any hydrant located in any public place, street, or alley; and all ordinances granting licenses free of cost are hereby repealed.

Hydrants to be properly inclosed.

SEC. 10. The register of water-rates shall in no case grant license to persons occupying different tenements to use water from the same hydrant.

Persons in different tenements not to use water from same hydrant.

SEC. 11. The license in every instance where families are not mentioned as included in this ordinance shall be issued for one purpose only, and in no other case shall families be included with other objects of license.

License to be for one purpose only.

SEC. 12. A license may be issued to the owner or occupant of any store, shop, or office, that is connected with the dwelling, for the use of water from any hydrant in the neighborhood, when the owner of such hydrant shall give written permission to the same; which permit shall be filed in the office of the register of water-rates.

When license may be obtained to use water in neighborhood.

SEC. 13. Persons residing beyond where the pipe is laid may obtain a license for the use of the water upon producing the written permission of the owner of the hydrant from which they desire water to do so; which permit shall be filed in the office of the register of water-rates.

How water may be obtained when no pipe is laid.

SEC. 14. In addition to the powers conferred by this ordinance on the register of water-rates, he is hereby authorized to withhold a license for the use of water from the waterworks for any specified purpose, whenever in his opinion such license can not be granted without the liability and likelihood of the water being used for other purposes than for which the license is taken.

Register may withhold license, when.

SEC. 15. In all such cases as those mentioned in the previous section the register of water-rates is authorized to require the

May require license to be taken out for other purpose.



applicant to take out license for the use of water for all the purposes for which it is exposed to be taken; and, unless he will do this, to refuse him a license for the use of the water for any other purpose.

Power of register when water is used for different purpose than stated.

SEC. 16. If a license shall hereafter be issued for the use of water from any hydrant, and, after such license is issued and during the term for which it is issued, the register of water-rates shall become satisfied that the water from such hydrant is used or exposed to be used for purposes not contemplated by the license issued, he may require the person to whom such license was issued either to take out a license for the use of the water for the purposes for which the register shall believe it is actually used or exposed to be used; and, in default of such license being taken out, the register is authorized to revoke the license actually issued and stop off the water from such hydrant; but in all cases he shall refund a rateable portion of the tax paid for such license.

Penalty for using water after order to cut off.

SEC. 17. Whenever the superintendent of the waterworks orders the water to be stopped off on any premises, either of his own accord or at the requisition of the register of water-rates, and shall find the same let on again without his permission or that of the register aforesaid so to do, the register shall immediately cause the connection to be cut off; and any person using the water from any hydrant or pipe after such order as aforesaid shall be punished for such offense by a fine of not less than ten dollars nor more than fifty dollars.

Register may require statement under oath.

SEC. 18. The register of water-rates\* may require of each applicant for water license a statement under oath at the time of application.

No license to be issued for premises on which taxes are unpaid.

SEC. 19. Hereafter the register of water-rates shall issue no licenses for the use of water from the waterworks on any premises upon which taxes due the city for any year or years previous to the year eighteen hundred and sixty-four† remain unpaid, whenever he shall be notified in writing by the special tax attorney that such property is delinquent and that the owner

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\* The words "or the collectors" are repealed by ordinance No. 5481, approved January 12, 1865.

† The word "sixty-one," in the original ordinance, is changed to "sixty-four" by ordinance No. 5628, approved July 20, 1865.

or agent thereof has neglected or refused to pay said taxes after demand made therefor by said attorney.

SEC. 20. The mayor is authorized, for good cause shown, to set aside the prohibition upon the register of water-rates contained in the foregoing section, and to direct the issuing of water licenses in such cases on such terms as he may deem just and proper.

Mayor may set aside prohibition.

SEC. 21. It shall be the duty of the mayor, if at any time he is credibly informed or otherwise has reason to believe that the register is engaged in any business which interferes with the discharge of his official duties, to inquire into the truth of such information or belief; and if, in the judgment of the mayor, the register of water-rates shall be so engaged in business which interferes with the discharge of official duties, the mayor shall notify such register that if such business be not forthwith laid aside he will be dismissed from office; and if such business be not forthwith laid aside, or if, being laid aside, it be afterwards resumed, or if the same officer, who had been once thus notified, shall afterwards engage in any other business or avocation interfering with the discharge of his duties, it shall be the duty of the mayor forthwith to dismiss such register from office. The mayor is further empowered to suspend or remove said officer at pleasure, if in his opinion the interest of the city demands it, and to appoint some other person in his place for the unexpired portion of his term of office; but no such dismissal shall affect the recourse of the city against such dismissed register and the sureties on his bond.

Mayor may inquire into business of register.

Proceedings, if register engage in other business.

SEC. 22. The register of water-rates, and inspectors of hydrants, and such other persons as are employed by the office, shall be authorized, in the discharge of their duties, to enter and have free access at all reasonable hours to any premises when it may be necessary to ascertain the location or condition of a hydrant-pipe or other fixture attached to the waterworks, or to shut off or let on water from or to any hydrant-pipe or other attachment, or for any other purpose that may be deemed essential for the preservation of the works or to protect the revenue of the city derived from the same.

Officers of waterworks may enter inclosures.

SEC. 23. A record of all water licenses issued shall be made and kept by the register of water-rates, in books, entering the

Record of water licenses to be kept.

names of the persons to whom a license is issued, the price paid therefor, the location of the hydrant, the purpose and length of time for which it is granted, when granted, and the time of the expiration of said license. No license shall be granted without the number thereof being first entered in red ink on the margin of the book of licenses, opposite the part from which said license is detached, which number shall correspond with the number marked and written on the license issued.

Attachments to  
be reported to  
register.

SEC. 24. All attachments and alterations, as well as the purposes for which the water is to be used, with the location of said attachments and alterations, shall be reported to the register of water-rates by the plumber making the same within three days from the making of such attachment, under a penalty of not less than ten dollars for every omission; and no water shall be let on until such report is made.

Penalty.

Penalty for vio-  
lating this ordi-  
nance.

SEC. 25. For any violation of the provisions of this ordinance for which a specific penalty is not hereinbefore provided the offender shall be liable to a fine of not less than three nor more than one hundred dollars, to be recovered before the recorder as in other cases of violations of ordinance. And if a licensed plumber shall be guilty of a breach of any of the provisions of this ordinance his license shall be revoked by the superintendent upon notification from the register of water-rates; and none but licensed plumbers shall make any repairs or alterations to water-pipes attached to buildings where the water from the waterworks is used, under the penalties hereinbefore prescribed.

Penalty against  
plumbers.

Ordinance sub-  
ject to ordinance  
5339.

SEC. 26. This ordinance shall take effect, subject to the provisions of ordinance number five thousand three hundred and thirty-nine (5339), entitled "An ordinance to establish and regulate the board of water commissioners," approved June 23, 1864.

Approved, August 25, 1864.

(No. 5407.)

# WORKHOUSE.

## AN ORDINANCE IN RELATION TO THE WORKHOUSE.

|                                                                                                             |         |                                                                                 |        |
|-------------------------------------------------------------------------------------------------------------|---------|---------------------------------------------------------------------------------|--------|
| <i>Auditor</i> , superintendent to file duplicate receipts with.....                                        | 33      | <i>Expenditures</i> , superintendent to keep account of.....                    | 3      |
| <i>Bills</i> for purchases, to be reported to board of managers.....                                        | 28      | superintendent to report to common council.....                                 | 26     |
| board of managers to audit....                                                                              | 28      | <i>Extra pay of prisoners</i> , who to regulate.....                            | 11     |
| how paid.....                                                                                               | 28      | <i>Food</i> , prisoners to have sufficient.....                                 | 4      |
| <i>Board of managers</i> , superintendent to see to work directed by.....                                   | 3       | <i>Gate-keeper</i> , qualification and duties of.....                           | 3      |
| superintendent to report to.....                                                                            | 2, 3, 4 | <i>Guards</i> , superintendent to manage.....                                   | 2      |
| superintendent to keep minutes of.....                                                                      | 3       | how appointed.....                                                              | 22     |
| how elected.....                                                                                            | 5       | may be discharged.....                                                          | 22     |
| president of.....                                                                                           | 5       | duties of.....                                                                  | 22     |
| mayor to be member of.....                                                                                  | 5       | penalty for violation of duty of.....                                           | 23     |
| duties of.....                                                                                              | 5, 7, 8 | superintendent to board.....                                                    | 24     |
| quorum of.....                                                                                              | 6       | rate of board of, how fixed....                                                 | 24     |
| may hear and remedy complaints of prisoners.....                                                            | 7       | <i>Health officer</i> , may direct lights to be allowed.....                    | 16     |
| to report to common council....                                                                             | 8       | duties of, at workhouse.....                                                    | 20, 21 |
| to fix extra pay of prisoners....                                                                           | 11      | <i>Hospital</i> (city), sick prisoners to be conveyed to.....                   | 20     |
| to control superintendent in punishing prisoners.....                                                       | 12      | <i>Intercourse with prisoners</i> , regulated.....                              | 18     |
| to regulate diet of prisoners....                                                                           | 21      | <i>Labor of prisoners</i> , rate of pay for board of managers to prescribe..... | 5      |
| to fix rate of board of guards                                                                              | 24      | <i>Lights</i> , when to be extinguished to be allowed prisoners, when           | 16     |
| <i>Boarding</i> , of guards, how rate of fixed.....                                                         | 24      | <i>Marshal</i> (city), duty of, in committing prisoners.....                    | 9      |
| of prisoners, rate of.....                                                                                  | 9       | <i>Mayor</i> , member of board of managers.....                                 | 5      |
| <i>Carondelet</i> , mayor of, may commit to workhouse.....                                                  | 34      | of Carondelet, may commit prisoners to workhouse.....                           | 31     |
| <i>City</i> to pay certain costs to city of Carondelet.....                                                 | 38      | <i>Medicines</i> , to be furnished sick prisoners.....                          | 20     |
| <i>City officers</i> , authorized to arrest escaped prisoners.....                                          | 29      | cost of, to be allowed.....                                                     | 20     |
| <i>Clerk of workhouse</i> , superintendent to perform duty of.....                                          | 3       | <i>Officers</i> , city (see city officers).                                     |        |
| <i>Clothing</i> , to be furnished to prisoners.....                                                         | 31      | <i>Officers of workhouse</i> , board of managers to supervise.....              | 5      |
| <i>Common council</i> , to elect board of managers.....                                                     | 5       | may arrest certain persons....                                                  | 30     |
| superintendent to report to....                                                                             | 26      | not to sell to or trade with prisoners.....                                     | 32     |
| <i>Complaint of prisoners</i> , board of managers to hear.....                                              | 7       | <i>Ordinances</i> , board of managers to see executed.....                      | 5      |
| <i>Cost of boarding prisoners</i> , when Carondelet to pay.....                                             | 36      | <i>Penalties</i> against certain offenses.....                                  | 23, 30 |
| <i>Diet of prisoners</i> , who to regulate.....                                                             | 21      | <i>President of board of managers</i>                                           | 5      |
| <i>Escaping</i> , persons assisting prisoners in, may be arrested... penalty for assisting prisoner in..... | 30      | <i>Prisoners</i> , superintendent to manage.....                                | 2      |
| <i>Execution</i> , marshal to credit money paid on.....                                                     | 9       |                                                                                 |        |



|                                                                                                          |     |                                                                                       |      |
|----------------------------------------------------------------------------------------------------------|-----|---------------------------------------------------------------------------------------|------|
| <i>Prisoners, superintendent to keep account of.....</i>                                                 | 2 3 | <i>Rescuing prisoners, penalty for...%</i>                                            | 30   |
| <i>superintendent to keep account of work of.....</i>                                                    | 3   | <i>superintendent may arrest parties for.....</i>                                     | 30   |
| <i>superintendent to note when time of is out.....</i>                                                   | 3   | <i>Rules and regulations, board of managers to make.....</i>                          | 5    |
| <i>to have sufficient food.....</i>                                                                      | 4   | <i>to be printed and posted.....</i>                                                  | 5    |
| <i>apartments of, how to be kept labor of, board of managers to prescribe.....</i>                       | 4   | <i>Superintendent of workhouse, provisions concerning.....</i>                        | 2—35 |
| <i>board of managers to hear and remedy complaint of.....</i>                                            | 5   | <i>when appointed.....</i>                                                            | 2    |
| <i>boarding of, rate of.....</i>                                                                         | 7   | <i>term of office.....</i>                                                            | 2    |
| <i>to be divested of articles of value.....</i>                                                          | 9   | <i>duties of.....</i>                                                                 | 2—35 |
| <i>how to be employed.....</i>                                                                           | 10  | <i>to manage guards.....</i>                                                          | 2    |
| <i>to be allowed extra pay.....</i>                                                                      | 11  | <i>duties of clerk to be performed by or under.....</i>                               | 3    |
| <i>how treated when refractory... may be put in irons, when... escaping, to forfeit time worked.....</i> | 11  | <i>board of managers may hear complaint of prisoners against.....</i>                 | 7    |
| <i>not to be credited when in solitary confinement.....</i>                                              | 12  | <i>powers of, over refractory prisoners.....</i>                                      | 12   |
| <i>sick, to be allowed time.....</i>                                                                     | 14  | <i>board of managers to control, in punishing prisoners.....</i>                      | 12   |
| <i>to be allowed time in inclement weather.....</i>                                                      | 15  | <i>duty of, on escape of prisoner to notify health officer of sick prisoners.....</i> | 13   |
| <i>to be confined after sunset.....</i>                                                                  | 15  | <i>shall appoint guards.....</i>                                                      | 20   |
| <i>may be discharged on paying fine and costs.....</i>                                                   | 15  | <i>to board guards.....</i>                                                           | 22   |
| <i>rate allowed for work of.....</i>                                                                     | 16  | <i>how to work prisoners.....</i>                                                     | 24   |
| <i>intercourse with, regulated... male and female, black and white, how kept.....</i>                    | 17  | <i>to pay amount received for work into treasury.....</i>                             | 25   |
| <i>sick, to receive medicine and nursing.....</i>                                                        | 17  | <i>to report to common council... may sell certain articles.....</i>                  | 26   |
| <i>may be conveyed to city hospital.....</i>                                                             | 18  | <i>power of, to guard workhouse, etc.....</i>                                         | 27   |
| <i>to work out time, when.....</i>                                                                       | 19  | <i>may arrest certain persons... not to sell or trade with prisoners.....</i>         | 30   |
| <i>diet of, who to regulate.....</i>                                                                     | 20  | <i>to pay moneys to treasurer... to file duplicate receipt with auditor.....</i>      | 32   |
| <i>to be furnished clothing.....</i>                                                                     | 20  | <i>to receive prisoners committed from Carondelet.....</i>                            | 33   |
| <i>may be committed from Carondelet.....</i>                                                             | 21  | <i>how to treat prisoners.....</i>                                                    | 34   |
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*Be it ordained by the Common Council of the City of St. Louis :*

Workhouse, located.

SECTION 1. The houses, inclosures, and fixtures erected on that portion of the northeast quarter of block number eighty-five in the city commons which lies between Jefferson avenue and the

macadamized Carondelet road, be and they are hereby declared to be the "Workhouse of the City of St. Louis," and shall be so known and designated.

SEC. 2. A superintendent of the workhouse shall be appointed Superintendent, when appointed. on or before the third Monday in December of each year, who shall enter upon the discharge of his duties on the first of Duties of. January following; he shall hold his office for one year and until his successor is appointed and qualified, and his duties shall be:

*First*—To reside in the tenement erected for his residence To be custodian of workhouse. within the workhouse inclosure, and to have the care and custody of the workhouse, and the grounds, inclosures, fixtures, appurtenances, and tools, and all property pertaining thereto, and of all persons confined therein, and daily to visit all apartments thereof, and see if the same is properly cleansed and in good order.

*Second*—To attend to the management of the prisoners and To manage prisoners and guards. guards; to see, personally, that the prisoners are employed at the places and at the work directed by the board of managers; to see, personally, that the guards do their duty; to attend to the safe-keeping of the prisoners; to see that the prisoners are properly lodged and fed; and to report to the board of managers, To report to managers. at the end of each month, the amount and description of work done by the prisoners, the condition of the property of the city connected with the workhouse, and such other facts as may be required by the board of managers.

*Third*—To deliver to his successor in office all prisoners confined in the workhouse and all property of the city connected therewith. To deliver property to his successor.

SEC. 3. The duties of the clerk of the workhouse shall be performed by or under the direction of the superintendent; and the gate-keeper of the workhouse shall assist the superintendent in keeping the books, and no person to be appointed gate-keeper that is not competent to the task. Clerk of workhouse; duties of.

*First*—Also, the superintendent shall receive all persons committed to the workhouse by the city marshal, and register, in a Further duties of superintendent book to be kept for that purpose, the name, age, height, color, To receive prisoners and keep record of them. place of birth, whether bond or free, of each prisoner received, and such other facts as may be necessary, and the number of

times said prisoner has been committed; he shall also keep an accurate account of days worked by each prisoner.

To note time of discharge of prisoners.

*Second*—The superintendent shall note when the time of any prisoner is out, or he is otherwise legally entitled to his discharge, upon his books.

To keep record of managers.

*Third*—He shall keep the minutes of the acts and proceedings of the board of managers, and keep a regular set of books, in such manner as the board of managers may direct, in which shall be entered all receipts and expenditures on account of the workhouse, and all clothing, tools, provisions, and other articles procured for the workhouse; and to report to the board of managers at the end of each month a detailed account of all such receipts and expenditures.

Further duties of superintendent.

SEC. 4. It shall further be the duty of the superintendent of the workhouse:

To make purchases for workhouse.

*First*—To make all purchases of necessary supplies for the workhouse, such as provisions, clothing, tools, provender for horses, and other articles, under such rules and regulations as shall be prescribed by the board of managers, and to report to the board of managers at the end of each month the amount and description of all such purchases.

To provide food for prisoners.

*Second*—To attend to the cooking and providing meals for the prisoners, see that they have sufficiency of good and wholesome food, and that their sleeping apartments are properly cleansed and ventilated, and to attend to such other duties as may be required of him by the board of managers.

Board of managers, how elected.

SEC. 5. At the first stated or called meeting of the council after the general election in each year there shall be elected by ballot three members of the board, who, together with the mayor, shall constitute and be styled the "board of managers of the workhouse." One of the said board shall be chosen president, and shall preside at all meetings of the board, and perform such other duties as may be required of him by ordinance. It shall be the duty of the board of managers:

President of board.

Duties of board.

To supervise officers.

*First*—To exercise a general supervision over the officers connected with the workhouse and the management thereof.

To visit workhouse.

*Second*—To visit the workhouse once in every month, and oftener if necessary.

*Third*—To prescribe the kind of labor, and the place where all the prisoners in the workhouse shall be employed.

To prescribe employment for prisoners.

*Fourth*—To establish such rules and regulations generally for the government and management of the workhouse as they may deem proper, not contrary to or inconsistent with the provisions of this ordinance, and to cause the same to be printed, and posted in each apartment of the workhouse.

To establish rules and regulations.

*Fifth*—To see that the ordinances of the city in relation to the workhouse are enforced.

To see ordinances enforced.

*Sixth*—To regulate and prescribe the manner in which the superintendent shall make purchases of provisions, clothing, tools, or other articles for the use of the inmates of the workhouse.

To supervise purchases made

SEC. 6. A majority of the members of the board of managers shall constitute a quorum for the transaction of business.

Quorum of board.

SEC. 7. The board of managers shall have power to inquire into any complaint made by the prisoners against the superintendent or other officer of the workhouse; and, if they find the complaint to be well founded, shall cause the matter complained of to be remedied.

Power to hear complaints of prisoners.

SEC. 8. The board of managers shall, at the opening of each stated session of the council, report to the council any information relating to the workhouse they may deem important.

To report to common council.

SEC. 9. Whenever the city marshal shall commit any person to the workhouse he shall indorse upon the execution the amount of money that may be in his hands belonging to such prisoner, and shall deliver to the superintendent a copy of the execution under which the commitment takes place, and the indorsement thereon; and the superintendent shall indorse a receipt for the prisoner on the execution held by the marshal. The superintendent shall then enter in a book the executions and indorsements thereon, and the number of days' labor which the prisoner must give to discharge the execution and costs, with the cost of boarding added at the rate of thirty cents per day.

Duties of marshal concerning prisoners.

Duties of superintendent concerning discharge of prisoners.

SEC. 10. Upon the receipt of any prisoner the superintendent shall divest him of all articles of value and all unnecessary wearing apparel, and all such articles shall be registered in a book, and returned to the owner upon his being discharged.

Prisoners to receive articles of value on discharge.



Prisoners to be employed, at what time.

SEC. 11. The superintendent shall keep all persons committed to the workhouse employed at such useful and profitable labor as their health and strength will permit, ten hours each day; but no prisoner shall be required to work before sunrise or after sunset, except in extraordinary cases, and then he shall be allowed extra pay, to be fixed by the board of managers.

Treatment of refractory prisoners.

SEC. 12. Any person who shall refuse to work, or shall behave in a riotous or disorderly manner, or shall resist or attempt to escape from the workhouse, may be committed to close and solitary confinement, and may be fed on bread and water until he consents to perform his duty, and may, if necessary, be put in irons; but the board of managers shall have power to control the superintendent in the extent and manner of punishment.

Superintendent to give notice of escape of prisoners.

SEC. 13. Whenever any prisoner shall escape from the workhouse the superintendent shall immediately notify the mayor and marshal thereof, and shall furnish the latter with a description of the fugitive and a statement of the manner of escape; and if he fails so to do within twenty-four hours after such escape he shall be liable for the amount of fine and costs due from such prisoner.

Prisoners escaping to forfeit labor done.

SEC. 14. Any prisoner escaping from the workhouse shall forfeit the time he may have labored therein, and, upon being retaken, shall work out the whole amount for which he was originally committed, and the cost of boarding for the whole time.

Deductions to be made from credit of prisoners.

SEC. 15. Any person who may be placed in solitary confinement, or may refuse to perform his task, shall not be allowed a credit for the time of such confinement or refusal; and the cost of his boarding during the time of such confinement or refusal shall be added to the amount for which he was committed, and worked out by him. If any prisoner shall be sick, and, in the opinion of the health officer, unable to work, he shall be allowed his time as though he had worked, but the amount of his board shall be charged to him. If the weather should be so inclement that the prisoners can not work, those who can not be kept at work for that reason shall, nevertheless, be allowed a credit as though they had worked, but their board for such time shall be charged to them.

Prisoners to be credited on inclement days.

SEC. 16. Prisoners shall be confined within the appropriate apartments within one hour after sunset, and all lights in such apartments shall be extinguished by nine o'clock p. m. between the first of April and the first of October, and by eight o'clock p. m. during the remainder of the year; and no lights shall be allowed in the sleeping apartments of any prisoner except in case of sickness, and then only under the direction of the health officer or other physician in attendance.

Prisoners, how confined.

SEC. 17. Any prisoner may, at any time, pay the superintendent the amount of execution and costs, or balance due thereon, after deducting work that may have been performed by him; and, upon such payment, or upon the prisoner working out the fine and costs, or if he shall be otherwise legally entitled to his discharge, the superintendent shall give the prisoner a printed or written discharge, and set him at liberty. The prisoner shall be allowed fifty cents per day for his work, exclusive of board.

Prisoners may be discharged on payment of fine and costs.

SEC. 18. No person, except the mayor, health officer, or a member of the board of managers, shall hold any intercourse with any prisoner, unless permitted by the superintendent.

Intercourse with prisoners.

SEC. 19. The superintendent shall not permit male and female, or white and colored, persons to occupy the same apartments.

Superintendent to separate males and females

SEC. 20. Whenever any prisoner is sick the superintendent shall notify the health officer of the fact, who shall thereupon visit the sick prisoner, and furnish the prisoner with proper medicines and medical attendance, and the superintendent shall see that the prisoner is properly nursed and attended; and the cost of all medicines, nursing, and attendance shall be allowed by the board of managers as other expenses of the workhouse are allowed. Whenever the health officer may deem it necessary he may direct the superintendent to convey any prisoner who is sick to the city hospital; but when such prisoner shall have recovered his health sufficient to be able to work he may be recommitted to the workhouse, and shall work out the remainder of his time.

Treatment of sick prisoners.

When sick prisoners may be conveyed to hospital.

SEC. 21. The health officer shall visit the eating-room of the prisoners during meal times at least once in every two weeks, or oftener if he shall deem it necessary; and if, in his opinion, the

Duty of health officer concerning diet of prisoners.

food of the prisoners be not sufficient or proper, he shall report the fact to the board of managers, and make such recommendations of a change of diet as may be requisite for the health of the prisoners; and the board of managers may thereupon direct the superintendent to change the diet of the prisoners in accordance with the recommendation of the health officer.

When managers shall change diet

Guards to be appointed.

SEC. 22. The superintendent, by and with the approval of the mayor in writing, shall appoint such guards as may be necessary; and, upon good cause, to be approved in writing by the mayor, discharge any and all of said guards and appoint others in their stead. The guards shall perform such duties as the superintendent may direct in and about the guarding, management, control, and working of the prisoners, and they shall be supplied with the necessary arms to enable them properly to guard the prisoners and to prevent escapes.

Duties of guards.

Penalty for intoxication of guard.

SEC. 23. Any guard who shall, while on duty, be in a state of intoxication, or shall otherwise fail in the discharge of any of his duties, shall forfeit any wages due him, and be discharged.

Superintendent to board guards.

SEC. 24. The superintendent shall furnish boarding for the guards, at such rates as shall be fixed by the board of managers.

Prisoners may be worked at public or private work.

SEC. 25. The superintendent shall, upon the direction of the board of managers, work any portion of the prisoners not actually required at the workhouse, or on the work of the city, on any public or private work; and the amount of such work shall be collected by the superintendent, and by him paid into the city treasury and placed to the credit of the workhouse fund.

Superintendent to report to common council.

SEC. 26. The superintendent shall, at the opening of each stated session of the common council, report to that body a detailed statement of the operations and affairs of the workhouse during the preceding six months, setting forth the number of prisoners received, the number then in the institution, the sex and place of birth of all the prisoners, the value and description of the work performed by them, in detail, and the expenditures and receipts on account of the workhouse.

Superintendent may sell certain articles.

SEC. 27. The superintendent may, with the written permission of the board of managers, signed by the president, sell or otherwise dispose of any article used, made, or produced in or about the workhouse, and shall pay the proceeds of such sale into the city treasury, to be placed to the credit of the workhouse.

SEC. 28. The original bills for all purchases made by the superintendent on account of the workhouse shall be reported to the board of managers at such times as they may direct, and, if satisfied of the correctness of the same, they shall give the person from whom the purchase was made a certificate, signed by the president and attested by the superintendent; and, upon the presentation of the same to the auditor, he shall issue his warrant for the amount.

Managers to examine and allow bills.

SEC. 29. The superintendent shall have power to take all necessary measures to guard the workhouse and to prevent the escape of prisoners, and he, or any city officer or other person, is authorized to arrest, without warrant, any person who shall have escaped from the workhouse.

Superintendent to prevent escape of prisoners.

SEC. 30. The superintendent or any officer of the workhouse may arrest, without warrant, any person trespassing upon the workhouse premises, or attempting to rescue any prisoner, or assisting or attempting to assist any prisoner to escape, or hindering or attempting to hinder the superintendent or any officer of the workhouse in the lawful discharge of any of his duties; and any person convicted of any such offense shall be liable to a fine of not less than three nor more than one hundred dollars.

Workhouse officers may arrest trespassers.

SEC. 31. Prisoners shall be furnished, in such manner as the board of managers may direct, with suitable clothing, when necessary, at cost: *Provided*, that they agree that the expense thereof shall be worked off by them in like manner as the amount of fine and costs for which they were committed.

Prisoners, how clothed.

SEC. 32. The superintendent or any other officer of the workhouse shall not be permitted to trade in or sell any articles of any kind to the city for the use of the workhouse.

Officers not to deal in certain articles.

SEC. 33. The superintendent shall pay all moneys received by him on account of the workhouse into the city treasury at the end of each month, and take a receipt therefor from the city treasurer, a duplicate of which shall be filed in the auditor's office.

Superintendent to pay moneys into treasury.

SEC. 34. In accordance with the provisions of the act of the general assembly entitled "An act to authorize the cities of St. Louis and Carondelet to make an agreement concerning a workhouse," approved December fifth, eighteen hundred and fifty-five,

Prisoners from Carondelet may be committed to workhouse.



the mayor of the city of Carondelet is hereby authorized to commit all persons convicted of a violation of any ordinance of said city to the workhouse of the city of St. Louis.

Regulations concerning prisoners from Carondelet.

SEC. 35. The persons so committed shall be received and registered by the superintendent of the workhouse; shall perform such labor as the superintendent may direct; be allowed the same compensation per day as other prisoners; and be subject, in all respects, to the rules and ordinances of the city of St. Louis in relation to the government of the workhouse: *Provided*, that no person shall be committed who, from sickness or any other cause, is unable to perform the labor required of convicts at said institution.

Costs of prisoners from Carondelet

SEC. 36. Said city of Carondelet shall pay to the city of St. Louis, for each prisoner so committed, the sum of ten cents per day until such prisoner shall be discharged; and the city of St. Louis is to refund to the city of Carondelet the costs that may have accrued to the officers and witnesses in the prosecution of the charges against such prisoners: *Provided*, the same are paid to the city of St. Louis after commitment; settlement to be made by the comptroller semi-annually.

Approved, August 10, 1864.

# MAYOR AND COUNCILMEN

OF THE

## CITY OF ST. LOUIS,

FOR THE YEARS 1865-66.

---

MAYOR, - - - - - JAMES S. THOMAS.

SALARY, \$4,000.

### BOARD OF COMMON COUNCIL.

[Councilmen receive \$250 for each stated session, and five dollars per meeting for called sessions. Five dollars to be deducted for absence at each meeting.]

*President*, - - - - - JOHN GRETHET.

*President pro tem.*, - - - - - AMADE VALLE.

*Clerk*, - - - - - A. R. BOWMAN.

(SALARY, \$1,500.)

*Sergeant-at-arms*, - - - - - WILLIAM GOODFELLOW.

(SALARY, \$900.)

|                           |                              |                    |
|---------------------------|------------------------------|--------------------|
| <i>First Ward</i> .....   | A. KRIECKHAUS, .....         | until April, 1866. |
|                           | CHRISTOPHER A. STIEFEL, .... | " " 1867.          |
| <i>Second Ward</i> .....  | HENRY C. GEMPE, .....        | " " 1866.          |
|                           | LOUIS GOTTSCHALK, .....      | " " 1867.          |
| <i>Third Ward</i> .....   | AMADE VALLE, .....           | " " 1866.          |
|                           | HERMANN SCHEPMANN, .....     | " " 1867.          |
| <i>Fourth Ward</i> .....  | TONY NIEDERWIESER, .....     | " " 1866.          |
|                           | A. S. W. GOODWIN, .....      | " " 1867.          |
| <i>Fifth Ward</i> .....   | JOHN CAIRNS, .....           | " " 1866.          |
|                           | ERASTUS WELLS, .....         | " " 1867.          |
| <i>Sixth Ward</i> .....   | JOSHUA CHEEVER, .....        | " " 1866.          |
|                           | SAMUEL PLANT, .....          | " " 1867.          |
| <i>Seventh Ward</i> ..... | CHS. F. WALTHER, .....       | " " 1866.          |
|                           | JOHN O'BRIEN, .....          | " " 1867.          |
| <i>Eighth Ward</i> .....  | CHS. W. HORN, .....          | " " 1866.          |
|                           | JOHN GRETHET, .....          | " " 1867.          |
| <i>Ninth Ward</i> .....   | DANIEL MCAULIFFE, .....      | " " 1866.          |
|                           | PATRICK DRISCOLL, .....      | " " 1867.          |
| <i>Tenth Ward</i> .....   | CHARLES BORG, .....          | " " 1866.          |
|                           | CHARLES SCHOENBECK, .....    | " " 1867.          |

## TABLE OF CITY OFFICERS,

TABLE OF CITY OFFICERS, FOR THE YEARS 1865-6-7, WITH THEIR COMPENSATION AND AMOUNT OF BOND REQUIRED.

|                                                   |                               |                                 |                   |
|---------------------------------------------------|-------------------------------|---------------------------------|-------------------|
| <i>Assessors—President</i> .....                  | William H. Godfrey.....       | Salary per annum.....\$2,500 00 | Bond.....\$ 3,000 |
| <i>First District</i> .....                       | John A. Neustaedter.....      | “ “.....900 00                  | “ “.....2,000     |
| <i>Second District</i> .....                      | William Hirt.....             | “ “.....900 00                  | “ “.....2,000     |
| <i>Third District</i> .....                       | John Looney.....              | “ “.....900 00                  | “ “.....2,000     |
| <i>Fourth District</i> .....                      | Anson Comstock.....           | “ “.....900 00                  | “ “.....2,000     |
| <i>Fifth District</i> .....                       | John V. Sanders.....          | “ “.....900 00                  | “ “.....2,000     |
| <i>First Clerk</i> .....                          | John J. Sutter.....           | “ “.....1,200 00                | “ “.....          |
| <i>Second Clerk</i> .....                         | A. Niemeyer.....              | “ “.....1,000 00                | “ “.....          |
| <i>Third Clerk</i> .....                          | Ferdinand Henckler.....       | “ “.....900 00                  | “ “.....          |
| <i>Attorney, City</i> .....                       | William S. Stewart.....       | “ “.....2,500 00                | Bond.....2,000    |
| <i>Auditor, City</i> .....                        | James H. Blood.....           | “ “.....2,500 00                | “ “.....10,000    |
| <i>Auditor's Clerk</i> .....                      | Christian Garrell.....        | “ “.....1,500 00                | “ “.....          |
| <i>Board of Fire Engineers</i> .....              | Charles W. Horn.....          | For each meeting.....\$2 00     | “ “.....          |
|                                                   | Erastus Wells.....            | “ “.....2 00                    | “ “.....          |
|                                                   | Tony Niedervieser.....        | “ “.....2 00                    | “ “.....          |
|                                                   | Charles Borg.....             | “ “.....2 00                    | “ “.....          |
|                                                   | C. A. Stiefel.....            | “ “.....2 00                    | “ “.....          |
| <i>Board of Health</i> .....                      | Charles W. Horn.....          | “ “.....2 00                    | “ “.....          |
|                                                   | Henry C. Gemp.....            | “ “.....2 00                    | “ “.....          |
|                                                   | Tony Niedervieser.....        | “ “.....2 00                    | “ “.....          |
|                                                   | Joshua Cheever.....           | “ “.....2 00                    | “ “.....          |
|                                                   | Charles Borg.....             | “ “.....2 00                    | “ “.....          |
| <i>Board of Managers of House of Refuge</i> ..... | James S. Thomas.....          | “ “.....                        | “ “.....          |
|                                                   | Marshal Brotherton.....       | “ “.....                        | “ “.....          |
|                                                   | John J. Crittenden.....       | “ “.....                        | “ “.....          |
|                                                   | Stephen W. Adreon.....        | “ “.....                        | “ “.....          |
|                                                   | J. G. Woerner.....            | “ “.....                        | “ “.....          |
|                                                   | Chr. A. Stiefel.....          | For each meeting.....\$2 50     | “ “.....          |
|                                                   | Hermann Schepman.....         | “ “.....2 50                    | “ “.....          |
|                                                   | Amade Valle.....              | “ “.....2 50                    | “ “.....          |
|                                                   | John Cairns.....              | “ “.....2 50                    | “ “.....          |
| <i>Clerk of Board of Health</i> .....             | Dr. Alexander Montgomery..... | Salary per annum.....\$1,000 00 | “ “.....          |
|                                                   | Extra for Dispensary.....     | 400 00                          | “ “.....          |

|                                                   | Gottlieb Stosberg, Jr.     | Salary per annum..\$1,320 00 | Bond.....\$ 1,000 |
|---------------------------------------------------|----------------------------|------------------------------|-------------------|
| <i>Clerk of Police Court.</i>                     | Francis Rothenbuechel..... | Commissions.                 | 25,000            |
| <i>Collector—First Ward.</i>                      | Edward Thierry.....        | “                            | 25,000            |
| <i>Second Ward.</i>                               | Emil Winter.....           | “                            | 25,000            |
| <i>Third Ward.</i>                                | Philip Dauernheim.....     | “                            | 25,000            |
| <i>Fourth Ward.</i>                               | Charles E. Adams.....      | “                            | 30,000            |
| <i>Fifth Ward.</i>                                | C. C. Callahan.....        | “                            | 25,000            |
| <i>Sixth Ward.</i>                                | Henry Steinberg.....       | “                            | 25,000            |
| <i>Seventh Ward.</i>                              | John Stewart.....          | “                            | 25,000            |
| <i>Eighth Ward.</i>                               | John Casey.....            | “                            | 25,000            |
| <i>Ninth Ward.</i>                                | (Vacancy.).....            | “                            | 25,000            |
| <i>Tenth Ward.</i>                                | Joshua Cheever.....        | “                            | “                 |
| <i>Committee on Claims.</i>                       | Erastus Wells.....         | “                            | “                 |
|                                                   | Hermann Schepmann.....     | “                            | “                 |
| <i>Committee on Commons.</i>                      | Henry C. Gemp.....         | “                            | “                 |
|                                                   | John O'Brien.....          | “                            | “                 |
|                                                   | Joshua Cheever.....        | “                            | “                 |
| <i>Committee on Council.</i>                      | A. S. W. Goodwin.....      | “                            | “                 |
|                                                   | Joshua Cheever.....        | “                            | “                 |
|                                                   | Amade Valle.....           | “                            | “                 |
| <i>Committee on Engrossed and Enrolled Bills.</i> | Daniel McAniff.....        | “                            | “                 |
|                                                   | Augustus Kriekhaus.....    | “                            | “                 |
|                                                   | John O'Brien.....          | “                            | “                 |
| <i>Committee on Gasworks.</i>                     | Augustus Kriekhaus.....    | “                            | “                 |
|                                                   | Joshua Cheever.....        | “                            | “                 |
|                                                   | Patrick Driscoll.....      | “                            | “                 |
| <i>Committee on Harbor.</i>                       | Joshua Cheever.....        | “                            | “                 |
|                                                   | Charles Schoenbeck.....    | “                            | “                 |
|                                                   | Louis Gottschalk.....      | “                            | “                 |
| <i>Committee on Iron Mountain Railroad.</i>       | Amade Valle.....           | “                            | “                 |
|                                                   | Henry C. Gemp.....         | “                            | “                 |
|                                                   | Augustus Kriekhaus.....    | “                            | “                 |
| <i>Committee on Markets.</i>                      | Charles W. Horn.....       | “                            | “                 |
|                                                   | Tony Niederwieser.....     | “                            | “                 |
|                                                   | John Cairns.....           | “                            | “                 |



TABLE OF CITY OFFICERS, FOR THE YEARS 1865-6-7, WITH THEIR COMPENSATION AND AMOUNT OF BOND REQUIRED.

|                                                           |                           |                  |        |       |
|-----------------------------------------------------------|---------------------------|------------------|--------|-------|
| <i>Committee on North Missouri Railroad..</i> .....       | { Charles W. Horn.....    | .....            | .....  | ..... |
|                                                           | { Daniel McAuliffe.....   | .....            | .....  | ..... |
|                                                           | { Charles Schoenbeck..... | .....            | .....  | ..... |
| <i>Committee on Pacific Railroad.....</i> .....           | { Joshua Cheever.....     | .....            | .....  | ..... |
|                                                           | { C. A. Stiefel.....      | .....            | .....  | ..... |
|                                                           | { Hermann Schepmann.....  | .....            | .....  | ..... |
| <i>Committee on Police.....</i> .....                     | { Louis Gottschalk.....   | .....            | .....  | ..... |
|                                                           | { Charles Schoenbeck..... | .....            | .....  | ..... |
|                                                           | { C. A. Stiefel.....      | .....            | .....  | ..... |
| <i>Comm. on Revisals and Unfinished Business...</i> ..... | { C. A. Stiefel.....      | .....            | .....  | ..... |
|                                                           | { John Cairns.....        | .....            | .....  | ..... |
|                                                           | { John O'Brien.....       | .....            | .....  | ..... |
| <i>Committee on Sewers.....</i> .....                     | { Samuel Plant.....       | Per meeting..... | \$2 00 | ..... |
|                                                           | { Tony Niederwieser.....  | “.....           | 2 00   | ..... |
|                                                           | { Charles Borg.....       | “.....           | 2 00   | ..... |
|                                                           | { C. A. Stiefel.....      | “.....           | 2 00   | ..... |
| <i>Committee on Street Railroads..</i> .....              | { Augustus Kriekhaus..... | .....            | .....  | ..... |
|                                                           | { Samuel Plant.....       | .....            | .....  | ..... |
|                                                           | { Amade Valle.....        | .....            | .....  | ..... |
| <i>Committee on Streets and Alleys.....</i> .....         | { Augustus Kriekhaus..... | Per meeting..... | \$2 00 | ..... |
|                                                           | { Samuel Plant.....       | “.....           | 2 00   | ..... |
|                                                           | { Hermann Schepmann.....  | “.....           | 2 00   | ..... |
|                                                           | { (Vacancy.).....         | “.....           | 2 00   | ..... |
|                                                           | { Patrick Driscoll.....   | “.....           | 2 00   | ..... |
| <i>Committee on Ways and Means.....</i> .....             | { Samuel Plant.....       | .....            | .....  | ..... |
|                                                           | { Amade Valle.....        | .....            | .....  | ..... |
|                                                           | { (Vacancy.).....         | .....            | .....  | ..... |
| <i>Committee on Waterworks.....</i> .....                 | { Samuel Plant.....       | Per meeting..... | \$2 00 | ..... |
|                                                           | { Augustus Kriekhaus..... | “.....           | 2 00   | ..... |
|                                                           | { A. S. W. Goodwin.....   | “.....           | 2 00   | ..... |
|                                                           | { (Vacancy.).....         | “.....           | 2 00   | ..... |
|                                                           | { Charles Schoenbeck..... | “.....           | 2 00   | ..... |

|                                                  |                           | For each meeting..... | \$2 00     | .....              |
|--------------------------------------------------|---------------------------|-----------------------|------------|--------------------|
| <i>Committee on Workhouse.....</i>               | { Charles W. Horn.....    | .....                 | \$2 00     | .....              |
|                                                  | { Henry C. Gennep.....    | .....                 | 2 00       | .....              |
|                                                  | { Tony Niederwieser.....  | .....                 | 2 00       | .....              |
| <i>Comptroller.....</i>                          | Robert A. Watt.....       | Salary per annum..... | \$2,500 00 | Bond.....\$ 60,000 |
| <i>Comptroller, Deputy.....</i>                  | Joseph Degendorf.....     | .....                 | 1,600 00   | .....              |
| <i>Comptroller's Clerk.....</i>                  | (Vacancy.).....           | .....                 | 1,200 00   | .....              |
| <i>Counselor, City.....</i>                      | Henry A. Clover.....      | .....                 | 1,800 00   | Bond.....\$10,000  |
| <i>Engineer, City.....</i>                       | Truman J. Homer.....      | .....                 | 3,000 00   | 10,000             |
| <i>First Assistant.....</i>                      | Ferdinand Bisehof.....    | .....                 | 1,800 00   | .....              |
| <i>Second Assistant.....</i>                     | A. Rauschenbach.....      | .....                 | 1,800 00   | .....              |
| <i>Book-keeper of.....</i>                       | G. H. Shaw.....           | .....                 | 1,100 00   | .....              |
| <i>Draughtsman of.....</i>                       | (Vacancy.).....           | .....                 | 1,200 00   | .....              |
| <i>Superintendent of Sewers.....</i>             | William Wise.....         | .....                 | 1,800 00   | .....              |
| <i>Assistant.....</i>                            | M. C. Little.....         | .....                 | 1,500 00   | .....              |
| <i>Superintendent of Streets.....</i>            | { Nicolas Schlittner..... | .....                 | 1,000 00   | Bond.....\$ 1,000  |
|                                                  | { John Devlin.....        | .....                 | 1,000 00   | 1,000              |
|                                                  | { John Downy.....         | .....                 | 1,000 00   | 1,000              |
| <i>Superintendent of Harbor.....</i>             | T. A. Meisenberg.....     | .....                 | 1,600 00   | .....              |
| <i>Engineer, Chief, of Fire Department.....</i>  | George W. Stevens.....    | .....                 | 2,000 00   | ..... 10,000       |
| <i>Assistants.....</i>                           | { Richard Beggs.....      | .....                 | 1,400 00   | .....              |
|                                                  | { John W. Baue.....       | .....                 | 1,400 00   | .....              |
| <i>Engineers of Fire Engines.....</i>            | .....                     | .....                 | 1,100 00   | .....              |
| <i>Firemen.....</i>                              | .....                     | .....                 | 840 00     | .....              |
| <i>Fire Alarm Telegraph, Chief Operator.....</i> | { Charles W. Hammond..... | .....                 | 1,400 00   | Bond.....\$ 5,000  |
| <i>Assistants, each.....</i>                     | .....                     | .....                 | 1,100 00   | .....              |
| <i>Fund Commissioner.....</i>                    | Adolphus Meyer.....       | .....                 | 500 00     | Bond.....\$100,000 |
| <i>Harbor-master.....</i>                        | { David Berlin.....       | .....                 | 2,000 00   | 10,000             |
| <i>Deputies, each.....</i>                       | .....                     | .....                 | 900 00     | .....              |
| <i>Health Officer.....</i>                       | Joseph Spiegelhalter..... | .....                 | 1,800 00   | .....              |
| <i>Inspector of Beef and Pork.....</i>           | .....                     | Fees.....             | .....      | .....              |
| <i>Inspector of Weights and Measures.....</i>    | John Hamilton.....        | .....                 | .....      | .....              |
| <i>Inspector of Vehicles.....</i>                | Fred. W. Fuchs.....       | Salary per annum..... | \$800 00   | Bond.....\$ 500    |
| <i>Land Commissioner.....</i>                    | William P. Curtis.....    | .....                 | \$1,500 00 | 10,000             |
| <i>Lumber-measurers, (licensed).....</i>         | .....                     | Fees.....             | .....      | 1,000              |

TABLE OF CITY OFFICERS, FOR THE YEARS 1865-6-7, WITH THEIR COMPENSATION AND AMOUNT OF BOND REQUIRED.

|                                         |                                                                          |                       |            |           |          |
|-----------------------------------------|--------------------------------------------------------------------------|-----------------------|------------|-----------|----------|
| Market-master, Center Market.....       | Fred. B. Brueggerhoff.....                                               | Salary per annum..... | \$800 00   | Bond..... | \$5,000  |
| City Market.....                        | S. J. Handy.....                                                         | "                     | "          | "         | "        |
| Lucas Market.....                       | M. S. Gannon.....                                                        | "                     | "          | "         | 5,000    |
| North Market.....                       | Caspar Linek.....                                                        | "                     | "          | "         | 5,000    |
| Matron at Hospital.....                 | Josaphine Katz.....                                                      | "                     | "          | "         | 5,000    |
| Marshal, City.....                      | Henry J. Kappesser.....                                                  | Salary per annum..... | \$1,500 00 | "         | 1,000    |
|                                         | George J. Decker.....                                                    | "                     | "          | "         | "        |
|                                         | George W. Manning.....                                                   | "                     | "          | "         | 950 00   |
|                                         | William H. Brophy.....                                                   | "                     | "          | "         | 950 00   |
|                                         | John Krahe.....                                                          | "                     | "          | "         | 950 00   |
| Mayor's Secretary.....                  | E. J. Thomas.....                                                        | "                     | "          | "         | 1,500 00 |
| Messenger Boy.....                      | Patrick Clifford.....                                                    | "                     | "          | "         | 300 00   |
| Police Commissioners.....               | { Jas. S. Thomas ( <i>ex officio</i> ) <i>Pres't.</i>                    | Salary per annum..... | \$1,000 00 | Bond..... | \$50,000 |
|                                         | { Ferdinand Meyer, <i>Vice Pres't.</i>                                   | "                     | "          | "         | "        |
|                                         | { N. H. Clarke, <i>Treasurer.</i>                                        | "                     | "          | "         | "        |
|                                         | { Jas. M. Corbitt.....                                                   | "                     | "          | "         | "        |
| Police, Secretary of Commissioners..... | George Gavin.....                                                        | "                     | "          | "         | 1,000 00 |
| Chief.....                              | Bernard Laibold.....                                                     | "                     | "          | "         | 2,000 00 |
|                                         | William Lee.....                                                         | "                     | "          | "         | 1,200 00 |
|                                         | Andrew Hach.....                                                         | "                     | "          | "         | 1,200 00 |
|                                         | John Dempsey.....                                                        | "                     | "          | "         | 1,200 00 |
|                                         | Francis Romer.....                                                       | "                     | "          | "         | 1,200 00 |
|                                         | E. M. Martin.....                                                        | "                     | "          | "         | 1,020 00 |
|                                         | T. C. Loring.....                                                        | "                     | "          | "         | 1,020 00 |
|                                         | Lawrence Harrigan.....                                                   | "                     | "          | "         | 1,020 00 |
| Police, Lieutenants.....                | { Alexander Montgomery.....                                              | "                     | "          | "         | 1,200 00 |
|                                         | { (In place of Solon Stark, appointed clerk Board Health, Jan. 1, 1866.) | "                     | "          | "         | 1,000    |
| Quarantine Physician.....               | D. C. Wolff.....                                                         | Salary per annum..... | \$2,500 00 | Bond..... | \$10,000 |
| Recorder.....                           | Jesse W. Heath.....                                                      | "                     | "          | "         | "        |
| Register.....                           | John F. Doerbaum.....                                                    | "                     | "          | "         | 1,200 00 |
| Register's Deputy.....                  | Martin Collins.....                                                      | "                     | "          | "         | 2,500 00 |
| Register of Water-rates.....            |                                                                          | "                     | "          | "         | \$10,000 |

| Resident Physician, Hospital.<br>Steward of Hospital. | H. R. Paddock.<br>Thomas Keyes.              | Salary per annum.     | \$1,500 00 | Bond. | \$ 1,000<br>1,000 |
|-------------------------------------------------------|----------------------------------------------|-----------------------|------------|-------|-------------------|
| <i>Street Inspectors—</i>                             |                                              |                       |            |       |                   |
| First District.....                                   | Fredk. Holmann.....                          | Salary per annum..... | \$900 00   | “     | 2,000             |
| Second District.....                                  | Christian Esslg.....                         | “                     | 900 00     | “     | 2,000             |
| Third District.....                                   | August Genenss.....                          | “                     | 900 00     | “     | 2,000             |
| Fourth District.....                                  | Edward Schultz.....                          | “                     | 900 00     | “     | 2,000             |
| Fifth District.....                                   | Patrick Flannery.....                        | “                     | 900 00     | “     | 2,000             |
| <i>Superintendent of Waterworks</i> .....             | Willis R. Pritchard.....                     | “                     | 2,500 00   | “     | 15,000            |
| <i>Superintendent of Workhouse.</i> .....             | Jas. H. Ludington, with board.               | “                     | 1,200 00   | “     | 5,000             |
| <i>Treasurer, City</i> .....                          | A. E. Kroegel.....                           | “                     | 2,000 00   | “     | 60,000            |
| <i>Clerk</i> .....                                    | Louis G. Kammerer.....                       | “                     | 900 00     | “     |                   |
|                                                       | Dwight Durkee, <i>President.</i> .....       | “                     | 1,000 00   | Bond. | \$50,000          |
| <i>Water Commissioners.</i> .....                     | James S. Thomas, ( <i>ex officio.</i> )..... | Salary per annum..... | \$1,000 00 | Bond. | \$50,000          |
|                                                       | Stephen Barlow.....                          | “                     | 1,000 00   | “     | 50,000            |
|                                                       | Dr. Philip Weigel.....                       | “                     | 1,000 00   | “     | 50,000            |
|                                                       | C. C. Chapman.....                           | “                     | 1,000 00   | “     |                   |
| <i>Waterworks, new, Chief Engineer.</i> .....         | James P. Kirkwood.....                       | “                     | 5,000 00   | “     |                   |
| <i>Assistant</i> .....                                | Henry Flad.....                              | “                     | 3,000 00   | “     |                   |
| <i>Assistant</i> .....                                | P. K. O'Donnell.....                         | “                     | 3,000 00   | “     |                   |
| <i>Weighers, North Levee Scales.</i> .....            | George Schwarting.....                       | “                     | 900 00     | Bond. | \$1,000           |
| <i>South Levee Scales</i> .....                       | Michael Ostertag.....                        | “                     | 900 00     | “     | 1,000             |
| <i>City Market.</i> .....                             | Martin Nau.....                              | “                     | 720 00     | “     | 1,000             |
| <i>Lucas Market.</i> .....                            | Sammuel T. Dolman.....                       | “                     | 720 00     | “     | 1,000             |
| <i>Center Market.</i> .....                           | Dennis Daniels.....                          | “                     | 720 00     | “     | 1,000             |
| <i>Weighers, City, (licensed.)</i> .....              |                                              | “                     | Fee.....   | “     | 2,000             |



## TABLE OF WATER RATES.

|                                                                          |                                                                      |
|--------------------------------------------------------------------------|----------------------------------------------------------------------|
| Alcohol, for each barrel manufactured, 10 cents.                         | Livery-stables, for hose attached to, not less than \$50.            |
| for each barrel washed, 5 cents.                                         | Malting, 1 cent per bushel.                                          |
| Ale cellars, from \$20 to \$50 per annum.                                | Meat, washing, from \$50 to \$500.                                   |
| Bakeries, for each oven, from \$10 to \$50.                              | Offices, from \$5 to \$30.                                           |
| Barber-shops, one chair, \$10; for each additional chair, \$3.           | Packing-house, from \$40 to \$500.                                   |
| Baths, private, with heating apparatus, \$5.                             | Plastering, for each square yard, 1-2 cent.                          |
| private, without heating apparatus, \$3.                                 | Plugs, for washing windows and sidewalks, for 25 feet front, \$5.    |
| public, \$15.                                                            | Porter, ale and wine cellar, from \$12 to \$50.                      |
| Beer, for each barrel brewed, 5 cents.                                   | Residences, 1 family, 4 rooms, \$5.                                  |
| for each barrel washed, 5 cents.                                         | 5 or 6 " 6.                                                          |
| Beer-houses, from \$20 to \$50.                                          | 7 or 8 " 7.                                                          |
| Billiard-saloons, for each table, \$3.                                   | 9 or 10 " 8.                                                         |
| Blacksmith-shops, for each fire, \$3.                                    | 11 or 12 " 9.                                                        |
| Boarding-houses, for each room, \$1.50, but not less than \$10.          | 13 or 14 " 10.                                                       |
| Boilers, steam, not less than 40 cents per square foot fire surface.     | 15 or 16 " 11.                                                       |
| Book-binders, not less than \$10.                                        | 17 or 18 " 12.                                                       |
| Brick-laying, per 1,000 bricks in wall, 10 cents.                        | 19 or 20 " 13.                                                       |
| Brick-yards, for each gang of hands, \$20.                               | more rooms, at same rate.                                            |
| Camphene, for each barrel manufactured, 10 cents.                        | more families; \$1.50 for each room, but not less than \$10.         |
| for each barrel washed, 5 cents.                                         | Restaurants, from \$25 to \$100.                                     |
| Candle (and soap) manufactories, from \$100 to \$1,000.                  | Scourer and dyer, from \$25 to \$100.                                |
| Candy manufactories, from \$15 to \$75.                                  | Shops, from \$5 to \$30.                                             |
| Confectioneries, from \$15 to \$75.                                      | Slaughter-houses, from \$25 to \$500.                                |
| Cow-stables, each cow, \$1.                                              | Sleeping-rooms, \$1.50 per room, but not less than \$10.             |
| Dram-shops, from \$25 to \$100.                                          | Soap and candle manufactories, from \$100 to \$1,000.                |
| Dyers and scourers, from \$25 to \$100.                                  | Soda factories, from \$40 to \$300.                                  |
| Fountains (in yards) from \$25 to \$150 for six months.                  | Sprinkling streets, from street to street, \$15.                     |
| Gardens, private, sprinkling with hose, from \$5 to \$50 for six months. | Spirit gas, for each barrel manufactured, 10 cents.                  |
| public, sprinkling with hose, from \$20 to \$150 for six months          | for each barrel washed, 5 cents.                                     |
| Gasworks, from \$500 to \$2,000.                                         | Stables, cow, for each cow, \$1.                                     |
| Hat manufactories, from \$30 to \$100.                                   | Starch-factories, from \$50 to \$200.                                |
| Horses (by private persons), each \$3.                                   | Stock-yards, from \$25 to \$500.                                     |
| Hose, for washing windows and sidewalks, per 25 feet front, \$5.         | Stone-masonry, per perch, 5 cents.                                   |
| Hotels, \$1.50 per room, but not less than \$10.                         | Stores, from \$5 to \$30.                                            |
| Laboratory, from \$20 to \$200.                                          | Sugar refinery, from \$500 to \$3,000.                               |
| Laundry, from \$20 to \$300.                                             | Tanneries, each vat, \$6, but not less than \$25.                    |
| Liquor, for each barrel distilled, 10 cents.                             | Tobacco factories, each person employed \$2, but not less than \$15. |
| Livery-stables, for each stall, \$2.                                     | Vinegar, per barrel made, 5 cents.                                   |
| for each carriage, \$2.                                                  | Washing meat, from \$50 to \$500.                                    |
|                                                                          | Water-closets, private, \$5.                                         |
|                                                                          | public, \$10.                                                        |
|                                                                          | Whisky, for each barrel rectified, 3 cents.                          |
|                                                                          | Wine-cellar, from \$20 to \$50.                                      |

# LIST OF MAYORS, ALDERMEN AND DELEGATES

## OF THE CITY OF ST. LOUIS,

FROM A. D. 1823, TO A. D. 1866.

*The names printed in capital letters were presiding officers of the board.*

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### 1823.—WILLIAM CARR LANE, *Mayor*.

Robert Wash, James Loper, James Lakenan, ARCHIBALD GAMBLE, William H. Savage, Joshua Barton (died), Thomas McKnight, James Kennerly, Philip Rocheblane, Henry Von Phul, Joseph V. Garnier.

### 1824.—WILLIAM CARR LANE, *Mayor*.

Bernard Pratte, Pierre Chouteau, sen., John L. Sutton, Joseph C. Laveille, Hugh Richards, JOHN SHACKFORD, Joseph V. Garnier, David V. Walker (died), Matthew Kerr, William K. Rule.

### 1825.—WILLIAM CARR LANE, *Mayor*.

JOSEPH CHARLESS, sen., Philip Rocheblane, Elisha S. Beebe, Jacob Hawken, Hugh Richards, Hubert Guion, Louis T. Honore, Pierre Chouteau, Alfred Skinner (resigned), Charles Bosseron.

### 1826.—WILLIAM CARR LANE, *Mayor*.

ARCHIBALD GAMBLE, Asa Wilgus, Thornton Grimsley, William K. Rule, Joseph C. Laveille, Thomas F. Riddick, Joseph V. Garnier, David B. Hill, Henry Von Phul.

### 1827.—WILLIAM CARR LANE, *Mayor*.

*North Ward*—JOHN MULLANPHY, Wm. K. Rule, John D. Daggett.  
*Middle Ward*—Fred. L. Billon, Edw. Charless, Christopher M. Price.  
*South Ward*—Joseph C. Laveille, John L. Sutton, David B. Hill.

### 1828.—WILLIAM CARR LANE, *Mayor*.

*North Ward*—George H. Kennerly, Michael Reily, Samuel Hawken.  
*Middle Ward*—Frederick L. Billon, Edward Charless, JOSEPH C. LAVEILLE.  
*South Ward*—John L. Sutton, John Smith, John Smith, Jr.

### 1829.—DANIEL D. PAGE, *Mayor*.

*North Ward*—John Mullanphy, Michael Reilly, Jabez Warner.  
*Middle Ward*—Edw. Charless, Thomas Cohen, JOS. C. LAVEILLE.  
*South Ward*—Hubert Guion, Harman L. Hoffman, John L. Sutton.

1830.—DANIEL D. PAGE, *Mayor*.

*North Ward*—John D. Daggett, William K. Rule, Edward Dobbins.

*Middle Ward*—Thomas Cohen, JOSEPH C. LAVEILLE, Edward Charless.

*South Ward*—Elkanah English, Hubert Guion, Herman L. Hoffman.

1831.—DANIEL D. PAGE, *Mayor*.

*North Ward*—Joseph Bates (resigned), Edward Dobyns, William K. Rule (resigned), Jesse Colburn (resigned), Hugh O'Neil.

*Middle Ward*—Peter Ferguson, JOS. C. LAVEILLE, Jabez Warner.

*South Ward*—John Pigott, Michael Rourke, Robert Simpson.

1832.—DANIEL D. PAGE, *Mayor*.

*North Ward*—Edward Dobyns, Hugh O'Neil, Solomon P. Ketchum (resigned), Robert Moore.

*Middle Ward*—Peter Ferguson, JOS. C. LAVEILLE, Edw. Charless.

*South Ward*—Michael Rourke (died), Robert Simpson, Cotton M. Tabor, Calvin Francis.

1833.—SAMUEL MERRY, *Mayor*.

(Disqualified in consequence of holding office under the General Government. J. W. JOHNSTON, elected Mayor in his stead.)

*North Ward*—Edward Dobyns, Hugh O'Neil, Jr., Robert Moore.

*Middle Ward*—Edw. Charless, Peter Ferguson, JOS. C. LAVEILLE.

*South Ward*—Sullivan Blood, Robert Simpson, Caleb Lockwood.

1834.—JOHN W. JOHNSTON, *Mayor*.

*First Ward*—Benjamin W. Ayers (resigned), Michael Gorman (resigned), George Morton, Benjamin W. Ayers, Wilson Primm.

*Second Ward*—Horatio N. Cross, John Shannon, James P. Spencer.

*Third Ward*—Thomas Andrews, John F. Darby, HUGH O'NEIL.

*Fourth Ward*—Edward Dobyns, Robert N. Moore, Hugh O'Brien.

1835.—JOHN F. DARBY, *Mayor*.

*First Ward*—George Morton, Wilson Primm, John P. Reily.

*Second Ward*—Joseph Charless (resigned), James J. Purdy, JAMES P. SPENCER, Joseph C. Laveille.

*Third Ward*—Thornton Grimsley, Hugh O'Neil, Dunham Spalding.

*Fourth Ward*—Charles Collins, John Lee (removed), Joseph Bates (resigned), Solomon P. Ketchum, Bryan Mullanphy.

1836.—JOHN F. DARBY, *Mayor*.

*First Ward*—George Morton, Wilson Primm, James J. Purdy.

*Second Ward*—Thos. Cohen, Joseph C. Laveille, JAS. P. SPENCER.

*Third Ward*—Wm. Preston Clark, Thornton Grimsley, Hugh O'Neil.

*Fourth Ward*—Charles Collins, Hugh O'Brien, Bryan Mullanphy.

1837.—JOHN F. DARBY, *Mayor*.

*First Ward*—WILSON PRIMM, Joseph S. Pease, Joseph W. Walsh.

*Second Ward*—Thos. Cohen, David B. Hill, James P. Spencer (died), Stuart Matthews.

*Third Ward*—Thomas B. Hudson, Peter Tiernan, Asa Wilgus.

*Fourth Ward*—Charles Collins, Abel Rathbone Corbin, Hugh O'Brien.

1838.—WILLIAM CARR LANE, *Mayor*.

*First Ward*—Benjamin W. Ayers, Joseph S. Pease, Joseph W. Walsh.

*Second Ward*—Louis V. Bogy, DAVID COONS, Stuart Matthews.

*Third Ward*—Merriwether Louis Clark, Hugh O'Neil, Peter Tiernan.

*Fourth Ward*—Abel Rathbone Corbin (resigned), Hugh O'Brien, John M. Wimer, Giles A. Lindley.

1839.—WILLIAM CARR LANE, *Mayor*.

## ALDERMEN—

*First Ward*—Benjamin W. Ayers, James G. Barry.*Second Ward*—Beverly Allen, Edward Tracy.*Third Ward*—GEORGE COLLIER, John B. Sarpy.*Fourth Ward*—John Lee, Archibald Carr.

## DELEGATES—

*First Ward*—Elkanah English, Charles Contts (resigned), William Horine, George Maguire.*Second Ward*—William Glasgow, Theodore Papin, David B. Hill.*Third Ward*—Bazil W. Alexander, Asa Wilgus, George Trask.*Fourth Ward*—GEORGE K. BUDD, Abel G. Farwell, Samuel Gaty.1840.—JOHN F. DARBY, *Mayor*.

## ALDERMEN—

*First Ward*—James G. Barry, Benjamin W. Ayers.*Second Ward*—BEVERLY ALLEN (resigned), ADAM L. MILLS, Thomas Cohen.*Third Ward*—William Burd, Archibald E. Orme.*Fourth Ward*—Archibald Carr, Horatio N. Davis.

## DELEGATES—

*First Ward*—Elkanah English, George Maguire, Hiram Shaw.*Second Ward*—EDW. BROOKS, James Clemens, Stewart Matthews.*Third Ward*—Thomas Dresser, George Trask, Thomas H. West.*Fourth Ward*—George K. Budd, Samuel Gaty, David Weston.1841.—JOHN D. DAGGETT, *Mayor*.

## ALDERMEN—

*First Ward*—John Corcoran (resigned), James C. Lynch, Brannock Jones.*Second Ward*—B. W. Ayers, Stuart Matthews.*Third Ward*—Thomas Cohen, A. L. MILLS.*Fourth Ward*—Archibald E. Orme, James H. Lucas.*Fifth Ward*—Robert Cathcart, Samuel Gaty.

## DELEGATES—

*First Ward*—Joseph M. Magehan, Daniel H. Donovan, Thos. Denny.*Second Ward*—Elkanah English, Hiram Shaw, Henry McKee (resigned), Edward Walker.*Third Ward*—Henry S. Cox, EDW. BROOKS, Henry E. Stone.*Fourth Ward*—Thomas H. West, George Trask, Ebenezer Young.*Fifth Ward*—Thomas H. Duncan, Theodore Labeaume (resigned), A. R. Corbin, John M. Wimer.1842.—GEORGE MAGUIRE, *Mayor*.

## ALDERMEN—

*First Ward*—James C. Lynch, William B. Wood.*Second Ward*—JAMES G. BARRY, Nathan Ranney.*Third Ward*—Edward Brooks, ADAM L. MILLS (resigned), Adam B. Chambers.*Fourth Ward*—Archibald E. Orme, Joseph B. Crockett (resigned), B. S. Hollingsworth.*Fifth Ward*—John M. Wimer (resigned), Samuel Gaty (resigned), C. Campbell, Charles Todd.

## DELEGATES—

*First Ward*—Daniel H. Donovan (resigned), Thomas Denny (resigned), Henry C. Lynch, John C. Mueller, John Stewart.*Second Ward*—Hiram Shaw, Ezra O. English, Ellis Wainwright.*Third Ward*—George K. McGunnege, Francis Jones, William H. Jones (resigned), Beriah Cleland.*Fourth Ward*—Vital M. Garesche, Louis A. Labeaume, J. S. Wood.*Fifth Ward*—Abel R. Corbin, T. O. DUNCAN, Chas. R. Anderson.



1843.—JOHN M. WIMER, *Mayor*.

## ALDERMEN—

*First Ward*—Matthias Steitz, John Withnell.*Second Ward*—WILSON PRIMM, Stuart Matthews (resigned), John Black.*Third Ward*—Edward Charless, Louis A. Labeaume.*Fourth Ward*—Luther M. Kennett, John B. Camden.*Fifth Ward*—Anthony Bennett, Thomas Watson.*Sixth Ward*—Joseph S. Hull, William S. Stamps.

## DELEGATES—

*First Ward*—Jacob Smith, James Caldwell.*Second Ward*—Ellis Wainwright, Charles Bobb.*Third Ward*—George K. McGunnegele, Francis Jones.*Fourth Ward*—GEORGE A. HYDE, John Finney.*Fifth Ward*—Abel R. Corbin, Rufus Kayser.*Sixth Ward*—Charles R. Anderson, Jacob Tice.1844.—BERNARD PRATTE, *Mayor*.

## ALDERMEN—

*First Ward*—Matthias Steitz, John Withnell.*Second Ward*—John Black, Ellis Wainwright.*Third Ward*—EDWARD CHARLESS, George K. McGunnegele.*Fourth Ward*—Luther M. Kennett, John B. Camden.*Fifth Ward*—Thomas Watson (resigned), Archibald Carr, J. W. Ormsbee.*Sixth Ward*—William S. Stamps, George Mead.

## DELEGATES—

*First Ward*—John Corcoran, Edward Warrens.*Second Ward*—Charles Bobb, GEORGE MORTON.*Third Ward*—David Chambers, Francis Jones.*Fourth Ward*—George A. Hyde, Charles Todd.*Fifth Ward*—Samuel Knox, Charles J. Carpenter.*Sixth Ward*—James Gordon, Hugh Rose.1845.—BERNARD PRATTE, *Mayor*.

## ALDERMEN—

*First Ward*—Matthias Steitz, Daniel H. Donovan.*Second Ward*—Ellis Wainwright (resigned), James G. Barry, B. W. Ayers.*Third Ward*—George K. McGunnegele, Edward Charless.*Fourth Ward*—Henry D. Bacon (resigned), Luther M. Kennett, Chas. Collins, John B. Higdon (in lieu of Collins).*Fifth Ward*—ARCHIBALD CARR, George K. Budd.*Sixth Ward*—George Mead, John Hall.

## DELEGATES—

*First Ward*—Edward Warrens (resigned), Amade Valle, Ezra O. English.*Second Ward*—Thomas B. Targee, Robert Holmes.*Third Ward*—Singleton H. Kimmel, William Glasgow, Sen.*Fourth Ward*—Charles Hequembourg, Isaac T. Greene (resigned), Charles M. Vallean.*Fifth Ward*—SAMUEL KNOX, Charles Jabine.*Sixth Ward*—Henry Loane, Nathaniel Childs, Jr.1846.—PETER G. CAMDEN, *Mayor*.

## ALDERMEN—

*First Ward*—Matthias Steitz, Daniel H. Donavan (resigned), George Maguire.*Second Ward*—James G. Barry, Daniel D. Page.*Third Ward*—Edward Charless, Adam L. Mills.*Fourth Ward*—Luther M. Kennett (resigned), John B. Higdon, Stephen W. Adreon.*Fifth Ward*—GEORGE K. BUDD, Renben Knox.*Sixth Ward*—John Hall, Nathaniel Childs, Sr.

## DELEGATES—

- First Ward*—A. Valle (resigned), W. Tighe, John Dunn.  
*Second Ward*—C. P. Morse, Robert Holmes.  
*Third Ward*—S. H. KIMMEL (resigned), W. Glasgow, Jr. (resigned),  
 P. C. Morehead, James Glasgow.  
*Fourth Ward*—C. HEQUEMBOURG, C. M. Vallean.  
*Fifth Ward*—John Whitehill, James H. White.  
*Sixth Ward*—Joseph S. Hull, Robert B. Bell.

1847.—BRYAN MULLANPHY, *Mayor*.

## ALDERMEN—

- First Ward*—GEORGE MAGUIRE, Richard S. Blennerhasset.  
*Second Ward*—D. D. Page (resigned), J. G. Shelton, Wilson Primm.  
*Third Ward*—Adam L. Mills, James Glasgow.  
*Fourth Ward*—Isaiah Forbes, Samuel Hawken.  
*Fifth Ward*—Reuben Knox, L. Riggs (resigned), Louis Bach.  
*Sixth Ward*—Nathaniel Childs, Reuben B. Austin.

## DELEGATES—

- First Ward*—Jacob Smith, H. C. Lynch.  
*Second Ward*—J. P. Thomas, E. W. Decker (died), Louis DuBrenil.  
*Third Ward*—W. H. Jones, William Robb.  
*Fourth Ward*—D. A. MAGEHAN, J. H. Lightner.  
*Fifth Ward*—A. P. Ladue, Hugh Rose.  
*Sixth Ward*—D. W. Dixon, R. N. Moore.

1848.—JOHN M. KRUM, *Mayor*.

## ALDERMEN—

- First Ward*—R. S. Blennerhasset (resigned), GEORGE MAGUIRE,  
 Edward Haren.  
*Second Ward*—John G. Shelton, George R. Taylor (resigned and  
 re-elected).  
*Third Ward*—James Glasgow, Adam L. Mills, Daniel D. Page (to  
 fill vacancy).  
*Fourth Ward*—Samuel Hawken (resigned), James H. White, Deme-  
 trius R. Magehan.  
*Fifth Ward*—Louis Bach, Robt. Cathcart (vacated seat), T. J. Beirne.  
*Sixth Ward*—Reuben B. Austin, Isaac H. Sturgeon.

## DELEGATES—

- First Ward*—HENRY C. LYNCH, A. C. Cordes.  
*Second Ward*—Jacob P. Thomas, Edward E. Hunter.  
*Third Ward*—Thomas Cohen, Charles Bobb.  
*Fourth Ward*—William M. Morrison, Joseph F. Franklin.  
*Fifth Ward*—Thomas Jackson, Frederick Laumann.  
*Sixth Ward*—Thomas Harsant, Erastus Wells.

1849.—JAMES G. BARRY, *Mayor*.

## ALDERMEN—

- First Ward*—GEORGE MAGUIRE (resigned), Edward Haren (re-  
 signed), William Fremd, John Dunn.  
*Second Ward*—William Palm, George R. Taylor.  
*Third Ward*—Daniel D. Page, Adam L. Mills.  
*Fourth Ward*—C. M. VALLEAU, William Robb.  
*Fifth Ward*—Thomas J. Beirne, J. B. Gibson.  
*Sixth Ward*—Henry Holmes, Isaac H. Sturgeon.

## DELEGATES—

- First Ward*—H. C. Katz, William R. Price.  
*Second Ward*—J. P. Thomas, William Walton.  
*Third Ward*—E. R. Mason, FRANCIS JONES.  
*Fourth Ward*—R. Kayser, George W. Rucker.  
*Fifth Ward*—Peter Miller (died), George Bushey, Thomas Harsant.  
*Sixth Ward*—A. Ward (died), H. Overstolz, Willis R. Pritchard.

1850.—LUTHER M. KENNETT, *Mayor*.

## ALDERMEN—

*First Ward*—John Dunn, R. S. Blennerhasset.*Second Ward*—William Palm, Louis Dubreuil.*Third Ward*—Joseph Charles, John J. Anderson.*Fourth Ward*—C. M. VALLEAU, John W. Rucker.*Fifth Ward*—J. B. Gibson (resigned), J. S. Freleigh (resigned), Charles H. Pond, E. C. Blackburn.*Sixth Ward*—Henry Holmes, Isaac H. Sturgeon.

## DELEGATES—

*First Ward*—Stephen Stock, Frederick W. Beckwith.*Second Ward*—Benjamin B. Chamberlain (died), E. B. Taylor, William Smith.*Third Ward*—William Carroll, C. Edmund Labeaume.*Fourth Ward*—Edwin Smith, GEORGE TRASK.*Fifth Ward*—John Shore (resigned), George Bushey, C. L. Holthaus.*Sixth Ward*—Henry Overstolz, Willis R. Pritchard.1851.—LUTHER M. KENNETT, *Mayor*.

## ALDERMEN—

*First Ward*—John C. Degenhardt, Henry C. Lynch.*Second Ward*—William Palm, Robert Clarkson.*Third Ward*—John J. Anderson, LOUIS A. LABEAUME.*Fourth Ward*—George W. Rucker, Edward C. Blackburn.*Fifth Ward*—Charles W. Lightner, Charles H. Pond.*Sixth Ward*—Henry Overstolz, Thomas L. Sturgeon.

## DELEGATES—

*First Ward*—George Bremermann, Samuel B. Pilkington.*Second Ward*—J. T. Moore (resigned), Philip B. Reily, John McDowell.*Third Ward*—Joshua W. Owings, David R. Risley.*Fourth Ward*—RUFUS KAYSER, Benjamin C. Farrar.*Fifth Ward*—George Bushey, James McNichol (resigned), — Garrison.*Sixth Ward*—Daniel Crouse (died), Stewart McKee, John Brotherton.1852.—LUTHER M. KENNETT, *Mayor*.

## ALDERMEN—

*First Ward*—John C. Degenhardt, Henry C. Lynch.*Second Ward*—Philip B. Reily, Robert Clarkson.*Third Ward*—John J. Anderson (resigned), Louis A. Labeaume, George K. Budd.*Fourth Ward*—George W. Rucker, EDWARD C. BLACKBURN.*Fifth Ward*—Thomas J. Beirne, Charles W. Lightner.*Sixth Ward*—Thomas L. Sturgeon, John W. Thornburgh.

## DELEGATES—

*First Ward*—Samuel B. Pilkington, Frederick P. Sauguinette.*Second Ward*—C. C. Simmons, Charles Mehl (resigned), Martin Dubbs.*Third Ward*—DAVID R. RISLEY, Joshua W. Owings.*Fourth Ward*—J. K. Burtis, James Ham.*Fifth Ward*—Thomas Harsant, W. R. Pritchard.*Sixth Ward*—Daniel G. Taylor (resigned), Cyrus Spear, John Sexton, Jr.1853.—JOHN HOW, *Mayor*.

## ALDERMEN—

*First Ward*—John C. Degenhardt, Samuel B. Pilkington.*Second Ward*—Philip B. Reily, Cornelius Campbell.*Third Ward*—Louis A. Labeaume (resigned), David R. Risley, (resigned), William M. McPherson, Theophile Papin.*Fourth Ward*—Edward C. Blackburn, John Hartnett.*Fifth Ward*—THOMAS J. BEIRNE, Eneas McFaul.*Sixth Ward*—John W. Thornburgh, Alfred Heacock.

## DELEGATES—

- First Ward*—George W. Sherrick, CHARLES W. GOTTSCHALK.  
*Second Ward*—Charles A. Clarke, John H. Rohlf.  
*Third Ward*—Isaac M. Veitch, Charles H. Tillson.  
*Fourth Ward*—James Ham, Franklin Weston.  
*Fifth Ward*—Davis Moore, George Kyler.  
*Sixth Ward*—Charles W. Horn, James Graham.

1854.—JOHN HOW, *Mayor*.

## ALDERMEN—

- First Ward*—S. B. Pilkington, C. W. Gottschalk.  
*Second Ward*—CORNELIUS CAMPBELL, Philip B. Reily.  
*Third Ward*—Theophile Papin, Daniel G. Taylor.  
*Fourth Ward*—Edward C. Blackburn, John Hartnett.  
*Fifth Ward*—Eneas McFaul, Norman J. Colman.  
*Sixth Ward*—J. W. Thornburgh, Albion T. Crow.

## DELEGATES—

- First Ward*—George W. Sherrick, H. J. Hillsdorf.  
*Second Ward*—Charles A. Clarke, Henry Graefenkamp.  
*Third Ward*—Isaac M. Veitch, Charles H. Tillson.  
*Fourth Ward*—Franklin Weston, Joshua Houston.  
*Fifth Ward*—Davis Moore, GEORGE KYLER.  
*Sixth Ward*—John Sexton, Jr., John H. Niermeyer.

1855.—WASHINGTON KING, *Mayor*.

## ALDERMEN—

- First Ward*—C. W. Gottschalk, George W. Sherrick.  
*Second Ward*—Philip B. Reily, Henry B. Belt.  
*Third Ward*—Daniel G. Taylor, Erastus Wells.  
*Fourth Ward*—E. C. BLACKBURN (died), Franklin Weston, John Shore.  
*Fifth Ward*—N. J. Colman, George Kyler.  
*Sixth Ward*—J. W. THORNBURGII, John Sexton, Jr.

## DELEGATES—

- First Ward*—H. J. Hillsdorf, Christian Staehlin.  
*Second Ward*—Henry Graefenkamp, Thomas M. Wannell.  
*Third Ward*—James F. Small, CHARLES H. TILSON.  
*Fourth Ward*—Joshua Houston, Jesse W. Heath.  
*Fifth Ward*—William S. Cuddy, Charles E. Loring.  
*Sixth Ward*—James H. Vail, Benjamin L. VanCourt.

1856.—JOHN HOW, *Mayor*.

## ALDERMEN—

- First Ward*—Godfrey Schoenthaler (resigned), Henry C. Lynch, David Bayles.  
*Second Ward*—Cornelius Campbell (resigned), Chas. W. Gottschalk, Brannock Jones.  
*Third Ward*—C. C. Simmons, William Palm.  
*Fourth Ward*—GEORGE R. TAYLOR, John Kern (died), Amade Valle.  
*Fifth Ward*—Erastus Wells, Charles Tillson.  
*Sixth Ward*—John Shore, Unit Rasin.  
*Seventh Ward*—Patrick Deegan (died), Henry Dusenbury.  
*Eighth Ward*—C. D. Colman, George Kyler.  
*Ninth Ward*—James Graham, Charles W. Horn.  
*Tenth Ward*—Henry Overstolz, Charles R. Anderson.

## DELEGATES—

- First Ward*—Henry Almstedt, Henry C. Katz.  
*Second Ward*—John H. Abelin, Henry Graefenkamp.  
*Third Ward*—Gerhard Schepmann, Theophile Papin.  
*Fourth Ward*—SAMUEL SIMMONS, Smith Litchfield.  
*Fifth Ward*—John F. Long, C. C. McClure.



## DELEGATES—Continued.

- Sixth Ward*—Jesse W. Heath (resigned), Augustus Pomeroy, Edw. S. Wheaton.  
*Seventh Ward*—W. S. Bachmann, C. Tiernan.  
*Eighth Ward*—John C. Vogel, Davis Moore.  
*Ninth Ward*—William McKee, Robert Graham.  
*Tenth Ward*—Andrew Getty, Daniel McGill.

1857.—JOHN M. WIMER, *Mayor*.

## ALDERMEN—

- First Ward*—Henry C. Lynch, L. Babcock.  
*Second Ward*—John H. Fisse, Brannock Jones.  
*Third Ward*—C. C. Simmons, R. M. Renick.  
*Fourth Ward*—GEORGE R. TAYLOR, Amade Valle.  
*Fifth Ward*—Charles Tillson, Erastus Wells.  
*Sixth Ward*—John Shore, C. C. McClure.  
*Seventh Ward*—Charles G. Stifel, E. M. Powers.  
*Eighth Ward*—C. D. Colman, George Kyler.  
*Ninth Ward*—James Graham, Charles W. Horn.  
*Tenth Ward*—Charles R. Anderson, John Sexton.

## DELEGATES—

- First Ward*—James Gorman, Henry Almstedt.  
*Second Ward*—Theophile Papin (resigned), Thomas S. Nelson, William D'Oench.  
*Third Ward*—E. P. Tony, J. H. Graefenkamp.  
*Fourth Ward*—Samuel Simmons (resigned), Fred. Buschmann, Sol. J. Levi.  
*Fifth Ward*—A. D. Pomeroy, John W. Burd.  
*Sixth Ward*—James H. McClure, Thomas R. Axtell.  
*Seventh Ward*—Thomas J. Dailey, Robert Kinnear.  
*Eighth Ward*—JOHN C. VOGEL, Davis Moore.  
*Ninth Ward*—William McKee, Conrad Doll.  
*Tenth Ward*—Felix A. McDonald, James R. Dobyns.

1858.—OLIVER D. FILLEY, *Mayor*.

## ALDERMEN—

- First Ward*—L. Babcock, Thomas Allen.  
*Second Ward*—Brannock Jones, F. W. Cronenbold.  
*Third Ward*—R. M. Renick, J. H. Graefenkamp.  
*Fourth Ward*—Amade Valle, John G. Shelton.  
*Fifth Ward*—Erastus Wells, Charles Tillson.  
*Sixth Ward*—S. W. Adreon, C. C. McClure.  
*Seventh Ward*—Thomas J. Dailey, F. W. Corbitt.  
*Eighth Ward*—GEORGE KYLER, John C. Vogel.  
*Ninth Ward*—Charles W. Horn, Patrick Gorman.  
*Tenth Ward*—John Sexton, James Doyle.

## DELEGATES—

- First Ward*—Frederick Hohenschildt, Henry Almstedt.  
*Second Ward*—THOMAS S. NELSON, J. G. Vogel.  
*Third Ward*—Philip H. Bishop, William Horine (resigned), George Bayha.  
*Fourth Ward*—Sol. J. Levi, Ira Stout (resigned), John Young.  
*Fifth Ward*—Bernard Pratte, Jr., Peter Ambs.  
*Sixth Ward*—James S. Wilgus, Dwight Durkee.  
*Seventh Ward*—John J. Wilshusen, Jesse W. Heath.  
*Eighth Ward*—Davis Moore, Horatio Wood.  
*Ninth Ward*—Daniel McGill, Caspar Stolle.  
*Tenth Ward*—James R. Dobyns, Nicholas Hatch.

1859.—OLIVER D. FILLEY, *Mayor*.

## COUNCILMEN—

*First Ward*—Thomas Allen, Henry Kayser.  
*Second Ward*—F. W. Cronenbold, Thomas S. Nelson.  
*Third Ward*—J. H. Graefenkamp, Theophile Papin.  
*Fourth Ward*—J. H. Shelton (resigned), GEORGE R. TAYLOR,  
 John H. Andrews.  
*Fifth Ward*—Charles H. Tillson, Erastus Wells.  
*Sixth Ward*—S. W. Adreon, Dwight Durkee.  
*Seventh Ward*—Francis H. Manter, Caspar H. Holthaus.  
*Eighth Ward*—John C. Vogel, George Kyler.  
*Ninth Ward*—Patrick Gorman (resigned), Caspar Stolle, John Reilly.  
*Tenth Ward*—James Doyle, John Sexton, Jr.

1860.—OLIVER D. FILLEY, *Mayor*.

## COUNCILMEN—

*First Ward*—Henry Kayser (resigned), Thomas C. Chester, Joseph H. Locke.  
*Second Ward*—Thomas S. Nelson, F. W. Cronenbold.  
*Third Ward*—Theophile Papin (resigned), G. W. Dreyer, P. A. Ladue.  
*Fourth Ward*—Jotham Bigelow, John H. Andrews (resigned), Thos. Burke.  
*Fifth Ward*—Erastus Wells, Joseph H. McBride.  
*Sixth Ward*—Dwight Durkee, S. W. Adreon.  
*Seventh Ward*—F. H. MANTER, J. W. Crane.  
*Eighth Ward*—George Kyler, John C. Vogel.  
*Ninth Ward*—Caspar Stolle, Isaac T. Greene.  
*Tenth Ward*—John Sexton, Jr. (resigned), L. W. Mitchell, Thomas M. Speers.

1861.—DANIEL G. TAYLOR, *Mayor*.

## COUNCILMEN—

*First Ward*—Thomas C. Chester, J. Gabriel Woerner.  
*Second Ward*—F. W. Cronenbold, Thomas S. Nelson.  
*Third Ward*—G. W. Dreyer, John F. Thornton.  
*Fourth Ward*—Thomas Burke, Robert M. Funkhouser.  
*Fifth Ward*—Joseph H. McBride, ERASTUS WELLS.  
*Sixth Ward*—S. W. Adreon, Dr. J. B. Burnett.  
*Seventh Ward*—J. W. Crane, Earl Matlack.  
*Eighth Ward*—John C. Vogel, Robert Thornburgh.  
*Ninth Ward*—Isaac T. Greene, Patrick Driscoll.  
*Tenth Ward*—L. W. Mitchell, Thomas M. Speers.

1862.—DANIEL G. TAYLOR, *Mayor*.

## COUNCILMEN—

*First Ward*—J. GABRIEL WOERNER, John C. Rust.  
*Second Ward*—Thomas S. Nelson, F. W. Cronenbold.  
*Third Ward*—John F. Thornton, G. W. Dreyer.  
*Fourth Ward*—Robert M. Funkhouser, Tony Niederwieser.  
*Fifth Ward*—Erastus Wells, John Cairns.  
*Sixth Ward*—J. B. Burnett, Joshua Cheever.  
*Seventh Ward*—Earl Matlack, Thomas J. Dailey.  
*Eighth Ward*—Robert Thornburgh, Charles W. Horn.  
*Ninth Ward*—Patrick Driscoll, Solon Stark.  
*Tenth Ward*—Thomas M. Speers, Aaron W. Fagin.

1863.—CHAUNCEY I. FILLEY, *Mayor*.

## COUNCILMEN—

*First Ward*—John C. Rust, J. Gabriel Woerner.  
*Second Ward*—F. W. CRONENBOLD, Charles W. Gottschalk.  
*Third Ward*—G. W. Dreyer, Hermann Schepmann.

## COUNCILMEN—Continued.

*Fourth Ward*—Tony Niederwieser, Henry McKee.

*Fifth Ward*—John Cairns, Erastus Wells.

*Sixth Ward*—Joshua Cheever, Samuel Plant.

*Seventh Ward*—Thomas J. Dailey, Fred. Doering.

*Eighth Ward*—Charles W. Horn, John Grether.

*Ninth Ward*—Solon Stark, Patrick Driscoll.

*Tenth Ward*—Aaron W. Fagin, Benjamin Charles (resigned), Chas. Sessinghaus (died).

1864.—JAMES S. THOMAS, *Mayor*.

## COUNCILMEN—

*First Ward*—J. G. Woerner, A. Kriekhaus.

*Second Ward*—Charles W. Gottschalk, Henry C. Gempp.

*Third Ward*—Hermann Schepmann, Amade Valle.

*Fourth Ward*—A. S. W. Goodwin, Tony Niederwieser.

*Fifth Ward*—Erastus Wells, John Cairns.

*Sixth Ward*—Samuel Plant, Joshua Cheever.

*Seventh Ward*—Jesse W. Heath, Henry Stagg.

*Eighth Ward*—JOHN GRETHER, Charles W. Horn.

*Ninth Ward*—Patrick Driscoll, Daniel McAuliffe.

*Tenth Ward*—Charles Schoenbeck, Charles Borg.

1865.—JAMES S. THOMAS, *Mayor*.

## COUNCILMEN—

*First Ward*—A. Kriekhaus, Christopher A. Stiefel.

*Second Ward*—Henry C. Gempp, F. W. Cronenbold (resigned), Louis Gottschalk.

*Third Ward*—Amade Valle, Hermann Schepmann.

*Fourth Ward*—Tony Niederwieser, A. S. W. Goodwin (resigned and re-elected).

*Fifth Ward*—John Cairns, Erastus Wells.

*Sixth Ward*—Joshua Cheever, Samuel Plant.

*Seventh Ward*—Henry Stagg (resigned), John O'Brien, Charles F. Walther.

*Eighth Ward*—Charles W. Horn, JOHN GRETHER.

*Ninth Ward*—Daniel McAuliffe, Patrick Driscoll.

*Tenth Ward*—Charles Borg, Charles Schoenbeck.

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